PROGRESSIVE HONOR ROLL OF 2009

DOUBLE ISSUE

THE Nation.

THE GREAT LEAP
NEW CHINA ENTERS ITS THIRD ACT
CHRISTOPHER HAYES

AFGHAN LOBBY SCAM
ARAM ROSTON

THELONIOUS MONK
DAVID YAFFE

JANUARY 11/18, 2010
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Letters

Adieu, Swank Filer!—II

WASHINGTON, D.C.
I find it hard to face life without Frank W. Lewis's puzzles. Don't look for a replacement. Just recycle the sixty-two years' worth all over again. Then in 2072 you can start running them a third time.
BARBARA R. BERGMANN

Buoyed by Poetry

LOS ANGELES
I have little to add to what Ange Mlinko said about the new translations of Rilke ["Angels to Radios," Dec. 14] except to note that I found her review fascinating and inspiring (as well as frustrating, since I'm now going to have to dig up $50 to buy the new translations). Until I can get around to them, I'll make do with my A. Poulin Jr. edition of *Duino Elegies* and *The Sonnets to Orpheus*, which also includes the poems in the original German. With so much in life to weigh one down, thanks for publishing a piece that so sensitively speaks of the nature of poetry.
E. YARBER

New Life for 'Zombie Nukes'

ITHACA, N.Y.
With regard to the problem of old "crumbling, leaky, accident prone" nuclear plants "getting relicensed all over the country," discussed by Christian Parenti in "Zombie Nuke Plants" [Dec. 7], mothballing them cannot be the answer—particularly in the face of the expected increase in demand for electric power for a rapidly rising number of hybrid vehicles needed to reduce carbon dioxide emissions.

Instead, while wind, solar and geothermal sources are being developed over the next twenty years, we can convert the dangerous old nuclear plants to operate with relatively clean and plentiful natural gas at a small fraction of the cost of building new plants. This can be done in a year or two by replacing the nuclear reactor with a gas boiler. It was done at the Fort Saint Vrain plant near Denver with no loss of jobs or income for the community.

Not only will this reduce the threat of accidents and terrorist attacks; it will help reduce our rising healthcare costs, because it will end the release of highly radioactive nuclear fission products, which enter our milk, drinking water and food. These emissions are far more damaging than normal background radiation or diagnostic X-rays, and they concentrate in the thyroid, bones and reproductive organs, causing chronic diseases, cancer, stillborns and birth defects. Converting nuclear plants will not only help meet energy needs; it will reduce healthcare costs and improve our health and that of future generations.
ERNEST J. STERNGLASS
Professor emeritus of radiological physics
University of Pittsburgh School of Medicine

KSM to ICC

EASTHAMPTON, MASS.
I believe David Cole, whose work I admire, incorrectly assumes that the only choice for trying alleged 9/11 terrorists is between military commissions at Guantánamo and a criminal trial in civil court ["American Justice on Trial," Dec. 7]. I hope I'm not the only person who thinks these parameters miss the point.

The government, by holding Khalid Shaikh Mohammed without charge for six years, waterboarding him 183 times and committing who knows how many other human rights violations against him, forfeited its right to retain jurisdiction over him. If our courts allow the trial and sentencing of KSM to go forward, they will enable the government to get away with its treatment of him without suffering any adverse consequences for doing so. Wouldn't that amount to judicial tolerance of torture? It is time for the United States to recognize the jurisdiction of the International Criminal Court and hand KSM over to it to be tried at The Hague (see rfc.org/blog/article/414).
ROBERT MEEROPOL

letters@thenation.com

(continued on page 24)

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Reality Bites

There is scientific reality, and then there is political reality. As the Copenhagen Climate Change Conference proved, the two do not always square. Long before the first delegates showed up, political reality dampened the hope in "Hopenhagen." Only 36 percent of Americans believe that climate change is man-made, fossil fuel lobbies all but own members of Congress and the Senate has yet to vote on a cap-and-trade bill so weak some scientists worry that its effects would be environmentally negligible. Hence, thanks in part to his own failure to advance a bold climate agenda, President Obama arrived in Denmark without the domestic mandate to negotiate a treaty. Meanwhile, the reality that sets the Chinese government's unspoken social contract with its citizens says that in exchange for political stability, the state will guarantee steady economic growth through mass industrialization, and therefore, a reliance on burning more fossil fuels (see Christopher Hayes on page 11). Hence, Premier Wen Jiabao was not about to agree to binding limits on carbon emissions that could critically impede China's development.

EDITORIAL

The political realities that govern the United States and China—which together emit 41 percent of the world's carbon dioxide—combined to force a third political reality onto the rest of the world. That reality now has a name: the Copenhagen Accord. Although Obama has hailed it as an "unprecedented breakthrough"—praise echoed by his Chinese counterpart—the agreement is in fact a nonbinding side deal between those two countries (with Brazil, India and South Africa) that is so inadequate to the scale of the crisis that remaining nations merely agreed to "take note" of it.

In the jargon of the document, world governments now recognize "the scientific view" that anything above a 2 degree Celsius rise in global temperature would be "dangerous" and "agree that deep cuts in global emissions are required according to science." The only tangible advance in the deal was the creation of a UN Climate Fund that could grow to $100 billion a year by 2020, although where that money will come from and how it will be spent is still unclear. The EU and Japan have both pledged at least $10 billion; the United States, a mere $3.6 billion.

Beyond that, the accord doesn't promise much else. It does not create binding limits on carbon emissions because it does not even mention such targets. China—a developing nation exempt from emissions reductions in the Kyoto Protocols—vetoed an agreement that would have stipulated a 50 percent overall reduction in carbon emissions and an 80 percent reduction from developed nations by 2050. The United States—which never ratified Kyoto—would offer only 7 percent emissions cuts by 2020. Compared with the 20 percent reduction pledged by EU countries, the offer was paltry and rightly raised skepticism about the US commitment to meeting the 2050 goal. Under the Copenhagen Accord, reducing carbon emissions is purely voluntary, and there is no punishment for failing to meet those nationally defined goals. In short, it's as if China and the United States agreed to take a self-written exam only on condition that there's no difference between earning an A or an F.

For some, the accord represents an inch of progress—at least all major world economies agreed that there is a problem. If the accord does not quite set the stage for a binding compact at the next climate summit, in Mexico City in 2010, then perhaps something will be inked by 2012, when the first phase of the Kyoto Protocol expires, or by 2015, when the

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News & Analysis

Zach Carter: Taxpayers lose in Citi's payback plan

Beth Schwartzapfel: Swapping science for politics on drug policy

Nancy Murray: The Gaza I know

Video Ari Melber interviews David Plouffe

Audiocast Christopher Hayes debuts "The Breakdown," with an explanation of cap and trade vs. a carbon tax.

Slideshow 2009 in review; Obama's biggest challenges in 2010

Copenhagen Accord mandates a review. It has taken seventeen years, from the first Earth Summit in Rio and the creation of the UN Framework Convention on Climate Change in 1992, to get this far; perhaps it will take another seventeen to take action.

There is only one problem with this kind of incrementalism: nature does not award points for trying. It neither swoons over recognition of its laws nor bends to the timelines of political reality. It does not bargain with denialists and oil lobbyists, and it does not care about GDP or the filibuster or approval ratings. The physics that governs climate change is inexorable, and its outcome can be mitigated by only one thing: reducing carbon dioxide emissions.

Our best scientific understanding of climate change says that to have even a 50-50 chance of staying under a 2 degree rise, we need to cut 40 percent of most countries' emissions by 2020. The UN's analysis concluded that even if everything on the table in Copenhagen were implemented, we would still be facing an almost 3 degree rise, and a postconference analysis by a team of MIT researchers estimated that the Copenhagen Accord puts the earth on track for a 3.2 degree rise. In other words, if we continue with the incremental politics we've pursued so far, we are sure to face major ecological collapse: the polar ice caps melt, the Amazon and other forests break down, coastal cities like Copenhagen go under and drought sweeps across Africa—all of which lead to hundreds of millions of refugees.

So the task of the growing climate justice movement is nothing less than to transform political reality. In the United States, that means targeting members of Congress who are bought by the fossil fuel industry while at the same time offering a broad critique of consumption, energy use and car culture. It also means changing the political process for dealing with climate change. The Obama administration's decision to allow the EPA to regulate carbon dioxide is promising, but the president's lack of leadership in Copenhagen is a clear sign that he will have to be pushed—hard—before he will flex the government's muscle against corporate polluters.

Globally, activists must somehow find another way to negotiate the broken multinational UN system that allows the United States and China to dictate the terms of a deal. And they should continue to push alternative ideas like climate debt and a moratorium on searching for new fossil fuels that got the official snub in Copenhagen. These are no small tasks.

Healthcare Pressure Points

At this writing, the Senate is finally poised to pass a healthcare bill that has frequently teetered on the brink of death. But the issues that have proved so difficult are the same ones that remain stumbling blocks to merging its version with the one passed by the House. The House includes a public option; the Senate does not. The Senate's language on abortion coverage is less restrictive than that passed by the House.

Given that Democratic leaders in both chambers were forced to bow to party conservatives to win initial passage of legislation, progressives are almost certain to be disappointed with how these

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questions are resolved. But there are other important issues that divide the two bills that have not made headlines, and they will help determine how much good the positive parts can do.

1. *Affordability.* The House generally does a much better job of helping low- and moderate-income Americans afford coverage. For the very poor, it opens the Medicaid program to individuals who earn less than $16,245 per year, whereas the Senate makes the program available only to those earning less than $14,404. The Senate offers more subsidies than the House to help the middle class buy coverage. But the Senate's subsidized insurance offers weaker coverage than that mandated by the House and leaves these Americans far more exposed to out-of-pocket costs.

COMMENT

2. *Enforceability.* The Senate would have insurers sell policies in state-based exchanges, relying on state officials to police the market. The House, on the other hand, sets up a national exchange, and many believe the federal government can do a much better job of protecting consumers than state regulators. There are also questions about whether the Senate's legislative language protects consumers' right to go to court if insurance companies violate the new regulations.

What's more, there's a minor provision in the Senate bill that could undermine one of health reform's most important regulations. On paper the Senate bans underwriting—the practice of charging higher premiums to those with pre-existing conditions. The Senate, however, allows for the creation of "wellness incentives," which are theoretically designed to encourage people to do things like quit smoking or exercise by reducing premiums for those who engage in healthy behaviors. But the Senate includes virtually no limits on the "wellness" indicators an insurance company can measure and allows for huge variations in premiums. This could mean people who have been pregnant, have high blood pressure or are HIV-positive could be hit with thousands of dollars in extra premiums. (Harry Reid did add one restriction at the last minute, however: gun owners can rest assured they will not pay more because their property explodes.)

3. *Financing.* The House bill is funded primarily through a progressive income tax on families earning more than $1million; it also requires employers to either cover employees or pay into the system. The Senate, on the other hand, imposes a poorly designed tax on "high cost" plans and an awkward alternative to an employer mandate, both of which could wind up hurting many of the Americans who most need help from this legislation.

Even the Senate bill would reduce the ranks of the uninsured by 31 million by 2019. If the House prevails on these key issues, an additional 5 million could be insured. Though progressives have swallowed many bitter pills, and covering everyone remains politically out of reach, it's still worth fighting to cover every last person possible. J. LESTER FEDER

J. Lester Feder is a freelance journalist based in Washington, DC.

Noted.

MORE SHELL GAMES? In last week's issue of *The Nation*, my story "Shell Games in Nigeria" examined whether the oil giant was complying with environmental rules in the Niger Delta region. Now it seems that the company may simply be walking off the field. The British *Sunday Times* reported on December 20 that Shell is seeking to sell off up to $5 billion of its oilfields there. The move would represent a major shift by Shell, which for decades has been Nigeria's biggest foreign oil producer, toward reducing its presence in the area, following years of costly attacks by militants, disputes with the Nigerian government and harsh scrutiny of its environmental and human rights records.

One of the leading candidates to buy the fields is the Chinese state-owned oil group **Sinopec**. If the purchase goes through, says **Michael Watts**, a professor at the University of California, Berkeley, local communities that have long struggled with Shell should not hold their breath for any improvements.

"The track records of these Chinese companies are not good in other places in Africa," says Watts. "Are they worse than Shell? That's a hard question to answer." For the long-suffering residents of the Delta, the debate may begin all too soon. SASHA CHAVKIN

WOMEN AND CHILDREN LAST: Amid the tumult over abortion funding and the public option, almost no one has noticed that children could wind up the biggest losers after healthcare is "reformed." Less than a year ago, Congress expanded the **Children's Health Insurance Program** (CHIP) to cover virtually all of the 8.1 million uninsured kids. For kids' advocates it was a red-letter day, but the legislation passed by the House repeals CHIP outright. Instead, most youngsters would have to sign up for private plans in the newly created exchanges, which provide subsidized coverage for families earning up to 400 percent of the federal poverty level.

House leaders argue that it makes sense to enroll kids and parents under the same scheme. But the private plans will cost families a lot more; as much as 1,650 percent more out of pocket for those earning 225 percent above the poverty line, according to an actuarial study, while also offering less coverage. The **Congressional Budget Office** concludes that because of the high cost of insurance, shifting kids off CHIP means that millions of youngsters will lose health insurance.

As always, children from poor and working-class families are politically powerless. Although polls suggest that making sure all children have coverage is second only to cost control as a health reform priority and although more than 600 organizations pleaded with Congress to keep CHIP intact, youngsters' needs went virtually undiscussed in the House.

The Senate version got this issue right by keeping CHIP intact through 2015. It also includes decent dental care and pediatric benefits that many policies don't cover, and it guarantees coverage to kids with pre-existing conditions. The House must reverse course when it takes up the issue. CHIP is the public option for millions of kids, and health reform can't mean turning back the clock on meeting their needs. DAVID L. KIRP

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How to Exit Afghanistan

With the Taliban growing steadily stronger, 30,000 more US troops will not lead to the early disengagement from the Afghan quagmire envisaged by President Obama, even in the improbable event that Hamid Karzai delivers on his promises of better governance. What is needed is a major United Nations diplomatic initiative designed to get Afghanistan's regional neighbors to join in setting a disengagement timetable and to share responsibility for preventing a Taliban return to power in Kabul.

COMMENT

The timetable should provide not only for the early withdrawal of all US combat forces within, say, three years but also for the termination of US military access to air bases in Afghanistan within five years. It should set the stage, in short, for the military neutralization of Afghanistan.

A commitment to categorical disengagement has long been demanded by Taliban leaders as the condition for negotiations. It would test whether they are ready for the local peace deals that the Obama administration appears prepared to accept, or will insist on power-sharing in Kabul as the price of peace.

Even without a regional diplomatic framework, such a withdrawal timetable would be desirable and will become increasingly inescapable; but its political risks can be minimized by mobilizing regional support for the political containment of the Taliban.

Russia, India, Iran and Tajikistan all helped the United States to dislodge the Taliban in 2001. All of them, together with China, fear that a resurrected Taliban regime would pose a terrorist threat and would foment domestic Islamist insurgencies within their borders.

Russia faces nascent Islamist forces in its Muslim south. India worries that Taliban control in Kabul would lead to more Pakistan-based attacks like the 2008 one in Mumbai. The Shiite theocracy ruling Iran fears that a Sunni Taliban regime would help the Sunni Jundullah separatist movement in the Iranian part of Baluchistan and Salafi extremists in other non-Persian ethnic minority regions. Tajikistan faces Sunni extremist groups led by Hizb ut-Tahrir and is increasingly unsettled by an influx of Afghan refugees, which could grow if the Taliban return to power. China is beset by Islamist Uighur separatists in Xinjiang.

It is significant that all these neighboring countries are disturbed in varying degree by the expansion of US air bases near their borders; they recognize that no Taliban faction is likely to negotiate peace until the United States and NATO set a timetable that covers both withdrawal of their forces and closure of US bases. Secretary of State Hillary Clinton's March 2009 proposal for a regional conference, revived recently by Henry Kissinger, has been ignored by potential participants because it assumes the indefinite continuance of a US military presence.

Iran and India are already giving large-scale economic aid to Kabul. Both might well increase it if US-NATO aid diminishes. New Delhi is helping to train the Afghan police and is prepared to join the United States and NATO in their faltering efforts to train the army.

China might well step up economic aid once the United States departs, as Li Qinggong, deputy secretary general of the China Institute for National Security Studies, hinted in a September 29 statement that also envisioned talks on "how to dispose of the forces of al-Qaeda" if and when the United States disengages and the possible establishment of "an international peacekeeping mission." Beijing is investing $3 billion in Afghanistan's Aynak copper mine and is "considering" a US request for help in police training. As members of a regional grouping known as the Shanghai Cooperation Organization, all of Afghanistan's neighbors signed a March 27 statement spelling out detailed action plans for counterterrorism and narcotics control.

The culmination of a UN-led regional diplomatic initiative would be an agreement that would not only set a timetable for military disengagement but would also bar the use of Afghanistan as a base for terrorism and seek to neutralize it as a focus of regional and major power rivalries. The agreement would be signed by the regional neighbors, the United States, NATO and others, like Saudi Arabia, that are playing a role in Afghanistan. Signatories would pledge to respect the country's neutrality, not to provide arms to warring factions and to cooperate in UN enforcement of an arms aid ban.

Neutrality was Afghanistan's traditional posture during the decades of the monarchy, until Soviet intervention dragged it into global power rivalries. "The best and most fruitful policy that one can imagine for Afghanistan," said King Nadir Shah in 1931, "is a policy of neutrality." The late Zahir Shah continued this policy and expressed his dismay to me when the Bonn Agreement of December 2001, following the ouster of the Taliban, spoke only of "non-interference" and studiously avoided references to "neutrality" and "nonalignment."

To be sure, one of Afghanistan's neighbors, its historic adversary Pakistan, created the Taliban and has continued to support it in the hope of establishing an anti-Indian client state in Kabul. But Islamabad would have two powerful reasons for joining in the accord and for stopping its aid. First, India, like other signatories, would be barred from operating out of Afghanistan militarily in the event of an India-Pakistan conflict and from using

Calvin Trillin, Deadline Poet

The Public Option, Which A Majority of Americans Favor, Is Dropped From the Healthcare Bill

That option is out of the bill now,
And senators have no remorse.
For no one was really behind it—
Except for the public, of course.

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Afghanistan as a base for supporting Baluch and other ethnic insurgents in Pakistan. Second, the accord would be designed only to prevent the Taliban from re-establishing control in Kabul and using its local strongholds as a base for terrorist operations elsewhere, not to remove all Taliban influence in Afghanistan itself. Thus, Pakistan would still have political allies in future Afghan power struggles.

At present, the United States is dependent on Pakistan as a conduit for shipping supplies to its forces in Afghanistan. Thus, even though Washington gives more than $1 billion a year in military hardware and cash subsidies to the Pakistani army, it has been unable to use the threat of an aid cutoff to curb Pakistan's aid to the Taliban. Disengagement would free the United States to use its aid leverage. Pressure from China, which provides Islamabad with fighter aircraft, would also help assure Pakistani participation in a regional accord. No UN monitoring system could completely seal off arms aid to the rival Afghan factions or bring an end to the competition between India and Pakistan for influence in Kabul; but a framework for regional cooperation could prevent a return to anarchy and civil war.

The principal obstacle to a regional neutralization accord is likely to be the Pentagon's desire to have "permanent access" to its network of Afghan bases near the borders of Russia, China, Iran and Central Asia to facilitate intelligence surveillance as well as any future military operations. Some of the seventy-four US bases in Afghanistan have been developed for counterinsurgency operations and might be expendable. But the big airfields at Bagram and Kandahar, which accounted for $425.7 million in the fiscal 2008 Pentagon military construction budget alone, are expected to expand steadily in the years ahead.

President Obama has yet to address the future of the air bases, and until he does, no diplomatic cover for US disengagement will be possible. The underlying issue that he confronts is what an "exit strategy" means and whether the United States will be using Afghanistan to further its global power projection long after he has left office and long after the Taliban and Al Qaeda are forgotten.

SELIG S. HARRISON

Selig S. Harrison is the author, with Diego Cordovez, of Out of Afghanistan *and author of* In Afghanistan's Shadow. *He is the director of the Asia Program at the Center for International Policy and a senior scholar of the Woodrow Wilson International Center for Scholars.*

Afghan Lobby Scam

As President Obama prepares a massive military buildup in Afghanistan, a House subcommittee has launched an investigation into whether Defense Department contractors are paying off the Taliban to protect American supply lines. The investigation was triggered by a *Nation* cover story [see Roston, "How the US Funds the Taliban," November 30].

Representative John Tierney, chair of the national security and foreign affairs subcommittee, said a "preliminary inquiry," including testimony from "a couple of whistleblowers," produced enough evidence to merit a full-fledged investigation. "If the allegations are taken to their conclusion," he said, "it would indicate that US taxpayer money is going to insurgents."

In interviews with *The Nation*, Afghan government officials, security contractors and trucking company executives outlined a giant protection racket, funded by US taxpayers, which raises millions for the Taliban. With no US military forces protecting their supply lines, contractors had to protect routes by other means: payoffs. As one trucking company official told *The Nation*, "If you tell me not to pay these insurgents in this area, the chances of my trucks getting attacked increase exponentially."

COMMENT

At the heart of the scandal is the Defense Department's $2.2 billion Host Nation Trucking contract, a military logistics operation launched with six major contractors, a number that has since risen to eight. One of the contractors under investigation is NCL Holdings, a US firm headed by Hamed Wardak, the Afghan-American son of Afghanistan's defense minister, Gen. Abdul Rahim Wardak. (NCL denies ever having made payments, directly or indirectly, to the Taliban.)

But it seems Hamed Wardak was more than just a defense contractor with a budding business. Parallel to his business ventures, he's been running an aggressive foreign policy campaign in Washington to keep the US heavily vested in Afghanistan. A confidential lobbying memo obtained by *The Nation* shows that Wardak commissioned a blue-chip lobbying firm to push for an extended US presence in Afghanistan—a potentially lucrative outcome for NCL.

Earlier this year Patton Boggs LLP, Washington's most monied lobbying firm, established a nonprofit front group on Wardak's behalf to act as the "face" of a campaign for increased US engagement in Afghanistan, according to confidential legal records. Patton Boggs is heavily involved in foreign policy and has registered with the Justice Department as a foreign agent for governments and interests in Angola, Cameroon, China, Cyprus, India, Sri Lanka and Qatar, though not Afghanistan.

The documents obtained by *The Nation* are an influence-peddling playbook for the Wardak effort.

The website of the Campaign for a U.S.-Afghanistan Partnership offers up nothing controversial on its face. Calling itself "a membership organization for U.S. and Afghan citizens," CUSAP argues that the United States needs to remain engaged in Afghanistan long-term. "Afghanistan is not Vietnam," reads an introduction, "and it is not a quagmire." Since January CUSAP members, often introduced by Patton Boggs, have met with journalists, produced policy papers and lobbied on Capitol Hill.

CUSAP had one big name on its original eight-person board: Milton Bearden, a former CIA official whose name carries weight on Afghanistan because he helped run the war there against the Soviets in the 1980s. When Bearden testified about Afghanistan before the Senate Foreign Relations Committee in the fall, John Kerry called him a "legendary former CIA case officer." But in his testimony Bearden did not advertise his ties to Wardak or to the company's Defense Department contracts; Bearden is on the advisory board of NCL, a firm with millions of dollars at stake in Afghanistan. ("Aram," he said when I reached him on his mobile phone, "I don't have anything to talk to you about, so go ahead and do your story." Then he hung up.) Another former board

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member, Hedieh Mirahmadi, a prominent expert on Islamic radicalization, told me she had never been to a CUSAP board meeting. "I don't actually know what they did," she told me.

Hamed Wardak is listed as "one of eight founders" of CUSAP. A brilliant young man, he was valedictorian of his class at Georgetown in 1997 and won a Rhodes Scholarship. His CUSAP bio describes his company, NCL, as a "global professional services" firm. There is no mention that NCL has Defense Department contracts in Afghanistan worth tens of millions of dollars.

CUSAP's chief message was a ten-point plan for Afghanistan, whose recommendations included "strengthen and equip the Afghan National Army," which is overseen by Wardak's father. (As discussed in my previous *Nation* article, the defense minister told me he wasn't pleased with his son's business ventures.) In a written statement Hamed Wardak told *The Nation* that six of CUSAP's ten points were "echoed" by President Obama during his December 1 speech on the war. Indeed, both the CUSAP plan and the president's speech include calls for strengthening Afghanistan's security forces, for reconciliation with the Taliban and for identifying new Afghan leaders.

In an e-mail a Patton Boggs spokesperson said that CUSAP is "a legitimate non-profit organization," not a "front group." "To suggest otherwise," the e-mail continued, "is grossly misleading and inaccurate." In his statement to *The Nation* Wardak said, "The organization was formed out of my belief, and those of my friends and colleagues in the Afghan diaspora, that we have an obligation to help improve conditions in our country and to oppose vigorously the objectives of the Taliban and al Qaeda."

But the organization's history reveals it to be a classic Astroturf operation. On January 30, 2009, ten days after Obama's inauguration, Patton Boggs attorney Nicholas Allard wrote a memo to Wardak, copied to three other lawyers from his firm. Allard, listed by *The Hill* as a top DC lobbyist, is a former Ted Kennedy staffer known for his Democratic connections. In the memo Allard laid out a "comprehensive plan" that would "assist you in achieving your objective for Afghanistan" while meeting all legal and ethical standards. Patton Boggs would "collect information about the new Administration's emerging policy." It would advocate a "long-term U.S. strategy in Afghanistan that goes beyond military involvement." Most controversial, the firm would "launch a discreet campaign to find an alternative candidate to lead Afghanistan." It seems that Wardak, like UN official Peter Galbraith, was looking to replace President Hamid Karzai.

What was the "first step" in achieving these aims? "To establish an entity that will act as the 'face' of our campaign," the memo said. "This organization will be Patton Boggs's client. We suggest creating an organization such as the 'Campaign for a United Afghanistan' or the 'U.S.-Afghanistan Strategic Partnership.'"

On February 5, 2009, just six days after the date of the confidential memo, a Patton Boggs lawyer incorporated the Campaign for a U.S.-Afghanistan Partnership in Virginia. CUSAP was not created by Wardak's friends and colleagues in the Afghan diaspora after all. Eight days later CUSAP officially became a Patton Boggs client, according to Senate records. The firm had conceived CUSAP, launched the organization and brought it on as a client—all in the space of two weeks.

So far, CUSAP has paid $190,000 to Patton Boggs, according to lobbying records, with the most recent reported payment arriving on October 19.

I shared the Patton Boggs language with John Stauber, founder of the Center for Media and Democracy and a critic of the lobbying industry. "This is an explosive document," he said, pointing out that such planning memos rarely see the light of day. "This is classic PR subterfuge," he said. "It's called the third party technique." One notorious example, he said, was when PR giant Hill & Knowlton set up Citizens for a Free Iraq for the Kuwaiti government in order to lobby for the 1991 US invasion of Iraq. The front group peddled a deceptive claim by the Kuwaiti ambassador's daughter that she had witnessed atrocities in Iraq, including babies being torn from incubators.

In this case Patton Boggs appears to have presented a lobby front group as a grassroots organization while the firm's client stands to profit personally from extended US engagement in Afghanistan. One legislative aide who met with Wardak on Capitol Hill told me he was introduced to Wardak by Patton Boggs attorneys and was quite impressed. He said Wardak made it clear he was the Afghan defense minister's son but did not explain anything about his business in Afghanistan. The aide told me he had no idea at the time of the meeting that Wardak had received tens of millions of dollars in Afghanistan contracts through NCL.

One journalist who was approached on behalf of Wardak received an e-mail describing the young man as "on the board of a new organization, Campaign for US-Afghanistan Partnership" and that "his father is Abdul Rahim Wardak, the Defense Minister of Afghanistan." "Hamed knows many warlords," the PR representative for CUSAP said, "and can possibly provide you further insight."

Wardak declined an interview with *The Nation*, but he agreed to answer questions in writing. Concerning the potential conflict of interest, his answer was vague: "You have asked about the relationship between CUSAP and NCL Holdings," he wrote. "Long term stability within Afghanistan is in the interest of any business." He did not mention something I later learned from Patton Boggs: that the lobbying firm represents not only CUSAP, the "face" of Wardak's foreign policy campaign, but also NCL, Wardak's company.

NCL is still trucking for the logistics contract in Afghanistan, a job that is sure to grow with the influx of 30,000 fresh troops in need of supplies. So far, the firm's spokesperson said, NCL has done $45 million in business on the contract, which started in earnest in May. Hamed Wardak said in his statement that he welcomes Representative Tierney's investigation. He insisted that NCL made "no direct payments to any security firm in Afghanistan." Perhaps that is so, since almost all of NCL's trucking for the US contract is handled by subcontractors—and it's the subcontractors who are alleged to have arranged payments to the warlords and insurgents. As for the Congressional investigation, it may take months. ARAM ROSTON

Aram Roston is the author of The Man Who Pushed America to War: The Extraordinary Life, Adventures and Obsessions of Ahmad Chalabi *(Nation Books). Research support for this article was provided by the Investigative Fund at The Nation Institute.*

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Eric Alterman

Focus on Israel

In a piece in the *Forward*, the critic Keith Kahn-Harris notes that "a common theme in pro-Israel discourse is that critics of Israel are 'obsessed' with the Jewish state." He has a point. "Israel," he notes, occupies "a place in the pantheon of leftist bugbears out of all proportion to the size of the country and the (undoubted) wrongs it has committed." (Indeed, it clearly does so in this magazine.) But Kahn-Harris is surely right to note as well that this obsession is hardly confined to leftists and anti-Zionists. "Its defenders are equally convinced of its importance as a touchstone of moral and political rectitude."

As Joel Schalit writes in *Israel vs. Utopia*, "The failure of both the Right and the Left in the Diaspora to see Israel as it actually is constitutes a subtle but pernicious form of intellectual imperialism." What's more, the insistent focus on the purely political (and religious) aspects of the conflict blind us to the complicated reality that underlies them in everyday life. I recently read in *The Nation* that "if the [Palestinian Authority] collapses…it will strip off the mask that there is anything in the territories beyond Israeli occupation." Now, this cannot be literally true, as an awful lot of life—even political life—occurs on the West Bank independent of the occupation. But it is also apparently belied by developments reported by Avi Issacharoff on December 19 in *Ha'aretz*, who notes, "The current situation in the West Bank is one of the best, if not the best, since 1948. Quiet prevails in the streets of every city there, the economy is starting to take off, the civilian police are maintaining law and order, and even the courts, despite their tremendous caseload, are upgrading their activity with every passing week.… A Palestinian journalist said this week that the situation in the West Bank is not only better than in the past, but 'terrific.' A survey published this week by Khalil Shikaki's Palestinian Center for Policy and Survey Research shows that 63 percent of West Bank residents feel secure."

A useful corrective for Americans to the one-dimensional picture presented by both left and right is evident in the contemporary renaissance in the Israeli film industry, where one frequently finds empathetic and realistic portrayals of Israelis, Arabs and Palestinians that rarely manage to pierce the conflict-focused journalistic coverage dominating left, right and center of the media.

Readers may be familiar with recent releases of films like *Waltz With Bashir*, *Beaufort* and *The Lemon Tree*, but the cavalcade continues. Two films that have been generating a great deal of admiration and excitement this year are *Ajami*, which showed at the 2009 Hamptons Film Festival and will appear in the 2010 New York Jewish Film Festival at Lincoln Center in January, and *Jaffa*, which also appeared at the Hamptons, as well as the 2009 Israel Film Festival in New York and the much smaller, Arab-focused Other Israel Film Festival, which, significantly, had its home at the Jewish Community Center on Manhattan's Upper West Side.

Both films take place in the port city of Jaffa, where Jews and Arabs have lived together, rather uneasily, for more than a century. Each of them is dominated by people's personal problems: in *Ajami*, an influential Bedouin clan wages a vendetta against a poor family, while a teenager from the West Bank tries to raise money to pay for his mother's medical care. In *Jaffa*, an Arab father and son work uneasily in the auto-repair business of a Jewish family. In both films, a young Palestinian man falls in love with a Jewish girl, and in both films, this love is doomed in significant measure by the clannish hatred of both sides, though the Israelis are portrayed as always possessing ultimate control.

This doomed love/*Romeo and Juliet* scenario also forms the primary narrative of *For My Father*, which played at the 2008 Hamptons Film Festival and was also shown at the 2009 Israel Film Festival in New York. In that film—perhaps the most affecting portrayal of the human side of the conflict I have ever seen on a screen—a young Palestinian goes unhappily to blow himself up in a Tel Aviv market to reclaim his family's honor. (His father had been collaborating to facilitate his son's career as a soccer star, which involved the frequent crossing of Israeli checkpoints.) But his bomb fails, and he is forced to spend the weekend in Tel Aviv waiting for a Jewish repair shop to fix his fuse. There, he is befriended by a bunch of Israeli Jews, and falls in love with a young woman who has been excommunicated by her Orthodox parents for her hippie/punkish lifestyle. I won't ruin its marvelously moving ending.

These films do not ignore the conflict, nor the human toll it takes on the inhabitants of both nations. While the Palestinians suffer what they must, Israeli anguish is also front and center. In *For My Father*, the Palestinian boy strikes up a friendship with a Jewish mechanic, who tells him about the death of his son in a training accident. In *Ajami*, a Jewish police detective struggles with the disappearance of his soldier brother. The fact that the human consequences of the conflict are addressed for both sides forces the viewer to go beyond the clichés that dominate conversation about the Middle East and make civil debate all but impossible.

I don't want to oversell the influence of these films, which, given the recalcitrance of Israel's right-wing government, is obviously less than one would wish. And I saw a few films, including at least three set in Jerusalem, that largely ignored the enormous indigenous Arab presence there. (One even professed to be a documentary about the city's history.) But as my friend the Israeli folk singer and activist David Broza said to me the other day, "Israel's salvation lies in its ability to be self-critical." And these films, like the novels of writers like Amos Oz, A.B. Yehoshua and David Grossman, offer the possibility that such self-criticism will lead to a more humane and farsighted politics. It is a hope, at least… ■

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THE GREAT LEAP

CHRISTOPHER HAYES

In the midst of a global financial crash and the climate crisis, New China enters its third act.

In the heart of downtown Chongqing, a sprawling city-state in Western China on the banks of the Yangtze River, a six-story tower commemorates those who died in what the Chinese call "the anti-Japanese war." After Japan invaded in 1937, the government moved the capital of China upriver from Nanjing to Chongqing. That decision brought with it Japanese bombs, and the city was destroyed during the war. A year after Mao Zedong founded the New China in 1949, he commemorated the fallen with the People's Liberation Memorial Tower. I was told by a guide at the city's exhibition center that just twenty years ago the memorial was the tallest building in the city. Today, the tower sits in the shadow of at least three mountainous skyscrapers in the central business district. Situated at the intersection of a pedestrian shopping mall, the tower looms about as large on the Chongqing skyline as a hotdog stand on Manhattan's.

My first trip to China—sponsored by the China-United States Exchange Foundation—came just over a month after the People's Republic celebrated its sixtieth anniversary. Those six decades can be cleaved in half: the first act, 1949–78, were the years of Mao, famine and the cultural revolution; the second, the three decades since then, the years of Deng, "reforms" and the "opening up," as the Chinese call it. And yet as far as China has come in terms of wealth (and the concentration thereof), it remains a very poor country: it ranks 100 among the world's nations in terms of per capita GDP, according to the IMF. "Our biggest challenge is not from without but from within," Yang Jiemian, president of the Shanghai Institutes for International Studies, told us, citing (obliquely, as the Chinese we talked to were wont to do) the potential for instability as China continues on its trajectory. "It has become the consensus of the elites that China should stay on the right track: the past thirty years have resulted in remarkable achievements in all aspects of China. We hope that in the same vein, but in different emphasis, China could have another thirty years."

But is another thirty years like the past thirty even possible? The third act of New China begins as a world financial crisis reveals the deep flaws of global neoliberal capitalism and as a diminishing fossil fuel supply and rising global temperatures escalate the competition for resources. Meanwhile, China is in the midst of the largest project of industrialization and urbanization in human history, one that requires massive amounts of capital and fossil fuel. It's like watching a jeep race up a mountain road as an avalanche begins to cascade downward from above.

At a tour of a car factory in Chongqing, the guide from Chang'an Motors pointed to the boxy gray minivans rolling off the assembly line and, beaming, said, "There are 800 million Chinese peasants who need these cars!"

He's right, of course. China "should not be expected to stay forever as a bicycle kingdom," as Yu Qingtai, special representative for climate change negotiations, told us. But 800 million new cars—think about that for a moment.

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What's happening in China is at once awe-inspiring and monstrous. Its mixture of planning and markets, autocracy and federalism, competence and corruption both supports and refutes every argument one could make about models of political economy. There is a risk, after two weeks in a country of 1.3 billion people, of falling prey to false certainties: like a traveler airlifted onto the top of Mt. Kilimanjaro who returns home to tell everyone that Africa is covered in snow.

This danger was compounded by the fact that the trip was sponsored by an independent, Hong Kong–based nonprofit whose founder, Tung Chee Hwa, the first Chinese chief executive of Hong Kong, is very close to the Chinese leadership; and our hosts on the mainland side, who chaperoned us from interview to interview, were Communist Party members and former government officials. We had a few painfully staged interactions with "ordinary people" (including an elderly tangerine farmer who couldn't remember the year of a specific agricultural reform but knew that it was during the "5th plenary of the 16th Central Committee").

We did, however, have an opportunity to speak with dozens of members of the Chinese elite: officials, academics and businessmen. And China happens to be a country where the elites hold tremendous power. Indeed, they seem to have seamlessly melded Leninist vanguardism with American-style best-and-brightest meritocracy: "Let me put it simply," said former Shanghai mayor and current president of the Chinese Academy of Engineering Xu Kuangdi. "Most successful businessmen or scholars or engineers—they have become party members of the CPC."

China's New Deal

There is no formal social contract that regulates the relationship between members of this ruling class and the people they rule, but there does seem to be an implicit one. It is roughly this: we (the government) provide you (the citizens) with 8 to10 percent annual GDP growth, 24 million new jobs a year and the chance to win the capitalist lottery of sending your son or daughter off to a prestigious school with the promise of a life of industrialized luxury. In exchange: you don't question the legitimacy of the Chinese Communist Party.

This is not the easiest contract for the government to uphold, and it has already shown some signs of fraying. As recently as 2007, there were 80,000 protests a year in China, and the Internet has given a platform to increasingly rambunctious critics of government policies. The most potent issue is corruption, which captured wide public attention in the wake of the 2008 Sichuan earthquake, when many blamed corruption for the fact that school buildings that collapsed had dodged building codes. Several Chinese officials told us corruption was the biggest threat the party faces, the "threat from within," as one put it. Despite high-profile "crackdowns" (such as a trial currently under way in Chongqing involving 9,000 suspects), a recent China News Agency poll shows that corruption remains the number-one issue on the minds of Chinese citizens.

Corruption aside, there are also the raw economic challenges of maintaining hypergrowth, particularly at a moment of global contraction. Exports make up 35 percent of Chinese GDP; in the past year they fell by 25 percent. There are 6 million recent college graduates who need to find jobs. One Chinese hedge fund manager showed us an article for a newspaper about new graduates flooding a job fair, where the ratio of attendees to jobs was 7.5 to 1. What would happen, I asked one local party official in Yinchuan, a city near the infamous Three Gorges Dam, if unemployment in China went to 10 percent? Before he answered by saying that such a situation would be impossible under the current system, one of our chaperones, a very savvy diplomat who had served in the foreign ministry, leaned over to me and said, sotto voce, "The government would collapse." He chuckled after he said it, but I think he was only half joking.

When you talk to Chinese officials, they seem competent, focused and obsessed with stability (if also, sometimes, arrogant and pedantic). But occasionally you can glimpse the dangers and threats to the established order that lurk just outside the frame. "Chinese government officials face a lot of pressures,"

What would happen if unemployment went to 10 percent? 'The government would collapse,' one diplomat said—he was only half joking.

Wen Tianping, the spokesman for Chongqing's municipal government, told us. "We work under extreme pressures and we have a lot of difficulties."

The foremost difficulty is immigration. In English we'd call it "migration," but our translators unfailingly used the word "immigration," and I began to see that it was the more accurate description of what was happening. Just as developed countries like the United States and members of the European Union face an influx of workers from the developing world, so does China: it's just that China contains both the developed and developing worlds within its borders.

The way China regulates this flow is not that different from the way nation states do. There is a residence permit called a *hukou* that anchors people to their home region by tying social services (healthcare, pension and, most important, schooling) to that area. But just as walls and laws have a hard time restricting human traffic from Mexico to the United States when the economic incentives are so extreme, so do the internal regulations of the Chinese state.

"They can be migrant workers forever," said Paul Mak, a Chinese-American businessman in Shanghai who has worked for the American company Mary Kay in Shanghai for twelve years. "A migrant worker cannot become a resident of Shanghai. Now if you have a college degree you can come but not without education. You have a class of people in this limbo."

This marginal population freaks out the Chinese authorities because they desperately wish to avoid the experience of so many other developing countries, from Brazil to India, which have seen the growth of massive, ungovernable miserable slums

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in their largest cities. "We have learned many lessons from other countries, including the so-called Latin American trap during the urbanization process," said Wen. "The governments didn't think thoroughly about urbanization. Huge numbers of villagers came to the cities and they couldn't find a job. That's why there are so many slums." In a concession to its inability to control the migrant flow, the government in Shanghai recently announced reforms that allow migrant workers to send their children to public school in the city where they are working. As important as it is to keep unauthorized migrants at bay, creating a vast migrant underclass of uneducated children is an outcome the government decided to avoid.

Atop the urban-rural divide is a stark class divide as well. Peasants are the original Chinese revolutionary class, hundreds of millions of whom remain chained to a life of crushing preindustrial penury while oligarchs in Shanghai and Beijing live lives that would make even a Goldman Sachs banker blush. One night in Shanghai we dined at a glass-enclosed restaurant on the roof of an art museum where entrees went for upward of $40. In 2007 per capita net income for China's approximately 800 million farmers was just $50 a month. Managing the flow and settlement of people from country to town is also a means of managing the potentially most explosive source of social tensions.

Although Chinese civilization is 5,000 years old, no one was interested in talking about anything before 1978. The future is everything.

Making No Small Plans

This is where Chongqing comes in. "Chongqing is a miniature of the whole of China," said municipal spokesman Wen. Roughly the size of Maine, it contains 31 million people, one major city (Chongqing, population 5 million) and a number of satellite cities. In 1997 it was elevated to provincial status so that the municipal government could focus on the internal migration from rural to urban areas, all within its municipal boundaries. "The central government hopes to have an experiment here to explore ways to address the problems we are facing: where should the 20 million people go on such a large scale?"

The key, in the eyes of the government that runs Chongqing, is planning. "We have plans, timetables and goals in our minds whenever we do anything," said Qian Lee, who works in the local government's foreign economic outreach bureau.

"We as a government give guidance and sort of categorize those who want to come to the cities," Wen said. "There are several tiers.… The first group of villagers will go to the downtown center. The second group will go to six regional centers we are building. And the third group will go to the urban places that are closest to their home villages, such as the country towns and townships.… We have thirty-one district centers and 103 towns." For each of these three tiers—downtown Chongqing, the six satellites and the thirty-one district centers—the government has annual targeted population levels for the next three years.

Chongqing is so proud of this planned vision it has constructed a $50 million exhibition hall on the banks of the Yangtze that showcases its past, present and future. Its centerpiece is an 892-square-meter scale model of the city. The tour guide flips a switch, and a comic-book night descends on the model; the rivers glow indigo. She flips another switch and lights up several dozen clusters of buildings, future projections of structures that will be completed in the next five years, then the next ten. Finally she puts all the lights on to reveal the future of Chongqing in all its miniature glory.

The tour ends in a room with a 360-degree, full-screen projection of a computer-rendered flyover of the future metropolis. Unlike the real smogbound and dreary Chongqing, it is bathed in piercing sunlight, and because of software limitations or of an oversight by the creators, not one of the humans who populate this new world—its expensive waterside condos, outdoor stadium and grand office building lobbies—is Chinese.

The ethos that animates this exhibition hall, a High Modernist faith in progress brought about by "scientific" planning, is so distant from the demoralized America of 2009 that my time in the city felt like a visit to Chicago in 1890 on the eve of the World's Fair. (Shanghai will be hosting the World Expo next year.) There's no larger representation of this animating faith than the Three Gorges Dam, which we toured one afternoon. The project took fifteen years and cost $30 billion. It will eventually provide up to 4 percent of China's electricity (the equivalent of about 500 coal-fired power plants). In order to build it, 1.25 million people were forced out of their homes on the banks of the Yangzte, and 1,500 archaeological sites, including ancient temples, were drowned.

To the Chinese elites we talked with, though, the future is everything. Although Chinese civilization (and administrative bureaucracy) is 5,000 years old, no one seemed interested in talking about anything that occurred before 1978. Such intense futurism is easy to lampoon, but it also seems the only worldview one could hold on to in the face of the challenges Chinese planners must overcome. Pick any major city in America and start adding 500,000 people a year. It wouldn't be long before it broke under the strain. It is no small thing to design a sewer system for a city growing at that pace. Just ask the 10 million residents of Mumbai's slums, whose lives are literally mired in shit because there is no access to a sewage system. So if the dark side of Chongqing is the triumph of Robert Moses's vision over that of Jane Jacobs, the silver lining is that—at a technical level, at least—this vision is pursued and executed with what seemed like an impressive degree of mastery.

Capitalism with Chinese Characteristics

The Chinese affection for urban planning is closely connected to their belief in the virtues of economic planning. The

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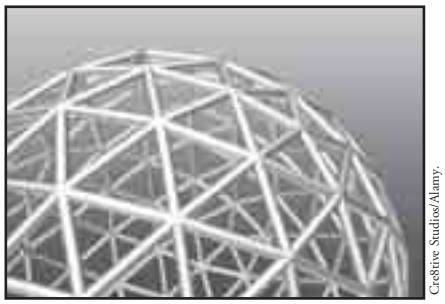

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About Your Professor

Dr. Michael Starbird is Professor Mathematics and University Distinguished Teaching Professor at The University of Texas at Austin.

Professor Starbird has won numerous teaching awards, including the Mathematical Association of America's Deborah and Franklin Tepper Haimo National Award for Distinguished College or University Teaching of Mathematics—the Mathematical Association of America's most prestigious teaching award. His coauthored textbook, *The Heart of Mathematics: An Invitation to Effective Thinking*, won a Robert W. Hamilton Book Award.

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fable we are told about China, particularly by neoliberals, who hold it up as a model of how capitalism has delivered millions from poverty, is that the market reforms have produced growth and prosperity by throwing off the shackles of state intervention. It's a deeply incomplete story: the commanding heights of the economy (telecom, energy, transportation and, most important, finance) remain in state control. There are four major state-owned banks in China, which together have an 80 percent market share.

Planning of the sort undertaken by the central government is viewed in the United States as a disastrous and discredited anachronism, as if the Chinese national weather service were relying on astrology. But whatever inefficiencies the heavy state footprint introduces, the largely government-run financial sector has protected China not only from the ravages of the financial crisis but also the kind of massive misallocation of capital that the global financial system has produced in the West over the past ten years. In fact, Qian Lee, who works for the municipal government in Chongqing, couldn't help but gloat about the benefits of the Chinese approach: "This has been discussed by Internet users in China who say when Obama comes to China that he can discuss with Hu Jintao about the importance of plans. This is something I think we can present to our American friend."

'We do worry about equality. We do need to focus on distribution, allocation of rights, taxes, hospitals, heathcare.' —Yang Jiemian

In dealing with the effects of the downturn, the state has devoted itself with impressive vigor to making sure growth is maintained and unemployment doesn't spike: the central government passed a 4 trillion RMB stimulus program (70 percent of its annual budget), the state-owned banks flooded the economy with investment capital and state-owned enterprises were directed not to lay anyone off. The result is that most, if not nearly all of the growth China experienced this year almost certainly came from state-led investment. Weighed down by the collapse of American consumption and the worst global recession since China began its reforms, the state was able to drag the economy over the 8 percent finish line, holding up its part of the unwritten social contract. This is no small accomplishment, but it is an open question whether it can replicate this feat next year, should global demand continue to be depressed.

Like the Death Star, the corporatist behemoth that is the Chinese economy is intimidating to behold, but it is not without its vulnerabilities. The abominable lack of a social safety net helps produce the high savings rate that most economists say stands as the single biggest obstacle to making the necessary transition to an economy driven more by domestic consumption (not to mention basic justice and security for hundreds of millions of people). This is connected to the much deeper problem of distribution, which presents economic and political challenges, although those two categories bear a strange, sometimes mysterious relationship to each other. "We do worry about equality," says Shanghai Institutes for International Studies president Yang Jiemian. "We do need to focus on distribution, allocation of rights, taxes, hospitals, healthcare."

When you raise the issue of distribution with other Chinese officials, they acknowledge the problem (they are nothing if not vigilant about emerging threats to their managerial order) but caution that achieving a more equal society will take time. Xu Kuangdi, former Shanghai mayor and party bigwig, was just one of several men we spoke with who cited Deng Xiaoping's exhortation to members of the party when he launched his reforms: "Let some people get rich first."

The question is, Just how many is "some," how rich is "rich," and how long does "first" last?

China has undoubtedly made some progress on this front: improving rural healthcare, ending taxes on farmers and even passing a labor law with a minimum wage, overtime and other protections (over the objections, I hasten to point out, of the US Chamber of Commerce). But while everything in China on the business side seems to move as fast as Shanghai's Maglev train, which goes 430 kilometers an hour, the project of equality, justice and social welfare proceeds much more slowly.

Xu argued that this is all part of the plan: "Let's look at our neighboring Asian countries," he said. "South Korea: its peak developing speed was reached using military rule.... Indonesia was successful during the reign of Suharto but recently it faces stalemate and difficulties." The reason that democracy is an obstacle to economic progress, Xu said, is that "the poor people want to divide the property of the rich people.... If we Chinese copied the directly elected situation today, people will say, 'I want everyone to have a good job.' Someone will say, 'I will divide the property of the rich people to poor people,' and he will be elected. It is useless: parity will not solve the problem of economic development. That is why we are taking a gradual and step-by-step approach in reform. As Mr. Deng said, we will cross the river by touching the stones. We will not get ourselves drowned, and we will cross the river."

While Xu, as a party leader, had the latitude to speak in explicit terms, almost no one else discussed politics so frankly. In China, economics stands in for politics as the substance of public debate and conversation. You cannot call for elections or for a free Tibet, but you *can* publish heated polemics about the government's decisions to continue to purchase US treasury bonds.

Where and When East Meets West

But Wang Hui, the lone dissident we spoke with during our time in China, says the state's attempts to maintain a strong and stark dividing line between legitimate critiques of its economic policy-making and illegitimate critiques of its very foundation doesn't always work. China's nominally socialist orientation, Wang argued, has provided many of its citizens with a vocabulary with which to criticize the state. "The paradoxical situa-

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tion is that many ordinary people can use [Marxism] to defend their own interest because there is a real contradiction between the theoretical claim and what happens in reality."

A participant in the Tiananmen uprising, Wang spent time in re-education camps before going on to edit an independent journal that criticized the government from, for lack of a better word, the left. We met for lunch in a restaurant on the campus of Beijing's Tsinghua University, and as Wang spoke about politics in China, our two chaperones grew more and more uncomfortable, staring down at their plates in silence as if Wang were sharing graphic details of his sex life. It was a reminder that explicitly political debates are taboo. But Wang's point is that there is a public sphere in China, cramped though it may be, and it's beginning to have an effect: if an issue seizes the public's attention, the government now finds itself forced to respond. "It's really up to whether or not you have the capacity to break through that certain kind of barrier and create some kind of space" for public debate, he said.

A few days earlier, over dinner in Chongqing, Zhang Haiqing, a local municipal official, complained to me at length about the uncivil and vicious attacks that local bloggers were incessantly launching toward the government over this or that proposal. He almost sounded like an American politician.

We tend to view China as posing an alternative and threatening model for the future, one that's by turns seductive and repulsive, the source of envy and contempt. But after a while I wondered if we aren't in some way converging with our supposed rival. China has managed the transition from a repressive, authoritarian, impoverished country to an industrial, corporatist oligarchy by allowing a loud and raucous debate while also holding tightly onto power. Perhaps we are moving toward the same end from a democratic direction, the roiling public debate and political polarization obscuring the fact that power and money continue to collect and pool among an elite that increasingly views itself as besieged on all sides by a restive and ungrateful populace.

On one of my last mornings in Beijing, I stumbled upon the "Better English" section of *China Daily*, which offers readers chances to learn new English phrases. One of them was, "Maybe I'm going out on a limb, but I think we still have to invest in it."

I may be going out on a limb, but I don't think either country is going to be able to make this system work. ■

MVPs of 2009

My list of the most valuable political and cultural activists and activist groups of the year.

by JOHN NICHOLS

For a number of years now I have, with wise counsel from *Nation* colleagues, Washington watchdogs and grassroots activists around the country, worked up a year-end list of Most Valuable Progressives for TheNation.com. Begun during the Bush/Cheney era, the project initially highlighted dissenters against unnecessary wars, unfair economic policies and assaults on civil liberties. As the popularity of the online project grew, it expanded to recognize social and cultural interventions, especially those by activists and artists whose work was not as well-known as it should be.

Although the MVP list, which makes its print debut here, focuses on individuals and organizations, it is really about issues and ideas. As such, the point is not to identify perfect players so much as to make note of activists and activist groups that may not get enough recognition but that are having a demonstrable effect—in Washington and around the country. That's even more important now that Bush and Cheney are gone and progressives are faced with the daunting task of assuring that Democrats govern with principle and an adventurous impulse.

Legend has it that Franklin Roosevelt told his allies in the early years of the New Deal that he agreed with their prescriptions for what ailed the Republic but that they would have to organize with an eye toward popularizing their ideas. "Go out and make me do it," the president reportedly urged them. These are some of the people and groups who are trying to make a new Democratic administration and Congress "do it."

MOST VALUABLE SENATOR: Maria Cantwell

The Washington State Democrat, like previous honorees Bernie Sanders and Russ Feingold, has always taken on complicated issues. As a tech-savvy Congresswoman in 1993, for instance, Cantwell battled to assure that new technologies were not used to secretly expand government surveillance. She has come into her own, however, as Congress has wrestled with an internecine financial crisis. In October 2008 she was one of a handful of Democrats to oppose Wall Street bailout legislation, which she identified as fiscally unsound and lacking in accountability. "I am not for…turning the keys to the Treasury over to the private sector," said Cantwell. Since then, the senator has doggedly challenged fellow Democrats—in Congress and the Obama administration—to get serious about financial services reform. She has attacked the Treasury Department for defending loopholes favored by Wall Street and declared in November that she was not sure why Treasury Secretary Timothy Geithner still had his job. Cantwell condemned House Financial Services Committee "reforms" that failed to crack down on derivatives trading. And she joined Sanders in proposing to use state gambling laws to regulate the $600 trillion derivatives market. *The American Prospect*'s Robert Kuttner calls Cantwell "the best informed and most relentless crusader" for reform of the financial system. Former Commodity Futures Trading Commission official Michael Greenberger says she is "going for the jugular" in her fight to end abuses that could cause a new financial crisis. They're both right.

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MOST VALUABLE REPRESENTATIVE: Peter DeFazio

After the Oregon Democrat opposed the stimulus bill last February because it did not do enough to create jobs, President Obama gibed, "Don't think we're not keeping score, brother." If Obama is keeping score, he should recognize by now that DeFazio has tended to be more right about real-economy concerns than any of the president's advisers. A key player on the House Transportation and Infrastructure Committee, DeFazio is Congress's most ardent advocate for spending more on job-creating construction projects and less on bank bailouts and distant wars. He was an early proponent of reclaiming TARP funds and using the money to address rising unemployment, an idea that caught on despite the fact that, as DeFazio noted, "the president has an adviser from Wall Street, Larry Summers, and a treasury secretary from Wall Street, Timmy Geithner, who don't like that idea." DeFazio earned headlines when he proposed firing Summers and Geithner with a declaration that Obama is "being failed by his economic team. We may have to sacrifice just two more jobs to get millions back for Americans." But the Congressman's finest contributions are his smart proposals (advanced with previous honoree Marcy Kaptur) to pay for investments in American communities with financial transactions taxes that steer money away from Wall Street speculation and toward Main Street renewal.

MIKE THEILER/REUTERS

Elizabeth Warren

MOST VALUABLE FEDERAL APPOINTEE: Elizabeth Warren

The Harvard professor, a scholar of the dwindling middle class who once palled around with Paul Wellstone and appeared frequently on PBS's *NOW* and *Bill Moyers Journal*, has taken the chairmanship of the Congressional bank bailout oversight panel and turned it into a vehicle for generating more ideas—and more good policy—than the White House or the Congressional banking committees. It was Warren who took the lead in arguing for the creation of a Consumer Financial Protection Agency. If Congress actually creates it, the only choice for its administrator is… Elizabeth Warren. Better yet, make her treasury secretary.

MOST VALUABLE STATE OFFICIAL: Mark Ritchie

When this veteran activist ran for Minnesota Secretary of State, he argued that putting honest players in charge of counting votes was necessary to restore credibility to an electoral process that had been battered by Republican gaming of the 2000 presidential vote in Florida and the 2004 vote in Ohio. Ritchie won and two years later found himself managing the recount of one of the closest and most bitter Senate contests in American history. Attacked by right-wing media and faced with massive spending by national Republicans who did not want Democratic-Farmer-Labor Party nominee Al Franken seated in a Senate where he would provide a critical sixtieth vote, Ritchie kept his cool. He ran a clean recount, emphasizing transparency and accountability, and delivered a credible result that survived legal challenges and gave the seat to the candidate who actually won the most votes.

MOST VALUABLE LOCAL OFFICIAL: JoAnn Watson

A former aide to Congressman John Conyers, Detroit City Council member JoAnn Watson bows to no boundary. She's a neighborhood activist who has battled home foreclosures and environmental racism, a determined defender of her hometown who has blocked privatization of public services, and an ardent internationalist allied with the Institute for Policy Studies's Cities for Peace and Cities for Progress initiatives. Watson has led fights for greater transparency and accountability in government, has gone after predatory lenders and has promoted a multifaceted Detroit Marshall Plan to revitalize her economically battered city. She's proudly controversial and remarkably successful at getting local, state and national officials focused on fundamental issues. Like previous honoree Conyers, she is a passionate proponent of single-payer healthcare. But Watson is not waiting for Washington to heal Detroiters. When there was talk of closing hospitals in the city, she led the fight to require that they remain open "in perpetuity." Re-elected to a second full term in November, Watson promises to bang on doors in Washington and say, "You've bailed out the auto industry. You've bailed out Wall Street. How about helping out Detroit in its time of need?"

MOST VALUABLE NATIONAL ADVOCACY GROUP: J Street

Founded in 2008 with the ambitious goal of changing "the direction of American policy in the Middle East" and establishing a muscular "pro-Israel, pro-peace movement" in the United States, J Street has shaken up the inside-the-Beltway debate and helped elect members of Congress who are genuinely committed to dialogue. Thirty-three House and Senate candidates won with J Street backing in 2008, including Maryland Representative Donna Edwards and Oregon Senator Jeff Merkley, and many of them attended its inaugural conference in October, where Gen. James Jones, the Obama administration's national security adviser, promised the roughly 1,500 attendees, "You can be sure that this administration will be represented at all future conferences." A few weeks later, Hannah Rosenthal, a J Street advisory council member and former executive director of the Jewish Council for Public Affairs, was nominated to head the State Department's Office to Monitor and Combat Anti-Semitism. J Street's growing influence, and its determined advocacy of the view that "a

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sustainable two-state solution to the Israeli-Palestinian conflict is both a fundamental American interest and essential to the survival and security of Israel as a democracy and home for the Jewish people," has drawn attacks from American neocons, who claim it is anti-Israel. But J Street executive director Jeremy Ben-Ami counters with a letter from Israeli President Shimon Peres, who hails the group's impressive "initiative to form a pro-Israeli-Palestinian and pro-Israeli-Arab peace organization."

MOST VALUABLE GRASSROOTS ADVOCACY GROUP:
Iowa Citizens for Community Improvement

For three decades, Iowa CCI has built and maintained remarkable rural-urban coalitions to fight factory farms, urban blight and abuses of Latino and Asian immigrants. In the current financial crisis, the group has ramped up its activism on behalf of banking reforms that free up credit for small farms, businesses and families while cracking down on payday loan operations. When the American Bankers Association held its annual convention in Chicago, National People's Action called for protests that declared, "We didn't break the banks—the big banks broke us!" Iowa CCI, long a backbone member of the NPA coalition, showed up in force. Viewers of Amy Goodman's *Democracy Now!* got a flavor of the group's in-your-face activism as Iowa farmer Larry Ginter brought activists from across the country to their feet with his cry, "If you are from rural America and tired of bank greed, stand up! If you are from urban America and you're tired of bank greed, stand up! If you think it's time to put people first and hold banks accountable, stand up!"

MOST VALUABLE AGITATOR: Cleve Jones

This veteran activist was handed a new level of prominence by the recent film *Milk*, which highlighted his youthful activism at the side of pioneering gay rights campaigner Harvey Milk. Jones used it to champion the National Equality March, which urged the Obama administration to go beyond rhetoric and assure "full and equal protection for LGBT people in all matters governed by civil law in all 50 states." In a letter to Obama, Jones explained: "Equal rights are not a 'gay' issue. They are about our shared human rights: safety in our schools and jobs, equitable healthcare and housing, and protection for our families, to name a few. I compare our National Equality March with the Civil Rights March of 1963. Martin Luther King had a dream; we have a dream too. We share Dr. King's belief in the dignity and equality of all peoples, and his commitment to nonviolence. And we share his faith that justice will prevail."

MOST VALUABLE THINK TANK:
The Ballot Initiative Strategy Center

Under the leadership of outgoing director Kristina Wilfore, the center has emerged as the chief proponent of employing direct democracy (initiatives and referendums) to advance progressive policies. Instead of just opposing bad proposals drummed up by corporate front groups and the religious right, BISC has gotten progressives excited about using initiatives to promote fair taxation, environmental protection and LGBT equality. It has also prodded states to prevent abuses of the petitioning process by special interests. Its summer 2009 report, "Ballot Integrity: A Broken System in Need of Solutions," inspired newspaper editorials, legal actions and legislative initiatives to crack down on fraudulent petitioning to place issues on state and local ballots. In Ohio, which got a "D" on BISC's state-by-state report card, State Representative Jennifer Garrison developed a plan to require that companies that pay petition circulators be licensed by the state and obey rules barring misrepresentations regarding ballot issues. Garrison's bill could become a national model for reforming the process, as more states respond to BISC's savvy analysis, smart scrutiny and tough prodding. This is a think tank with good ideas and the wherewithal to get them implemented.

MOST VALUABLE UNION: California Nurses Association

Fiercely independent and combative—a magazine they fund for activist nurses is dubbed *Revolution*—CNA inserted itself into the 2009 healthcare debate as a steady proponent of a single-payer system along the Medicare for All lines supported by such groups as Physicians for a National Health Plan. When Congressional Democrats equivocated and pulled punches, CNA called them out and explained how big insurance companies might come out ahead under many of the "reform" proposals. CNA also came up with innovative ways to highlight the public health threat posed by barriers to care—for instance, when everyone was getting scared about the H1N1 virus, the union proposed suspending co-pays and deductibles as well as other financial barriers that prevent giving quick treatment to all swine flu victims. CNA ended the year by pulling together independent nurses' groups from across the country into National Nurses United, which veteran CNA executive director Rose Ann DeMoro promised to build into "The RN Super Union."

HARRY CABLUCK/AP

James McMurtry

MOST VALUABLE ROCKER: James McMurtry

When George W. Bush moved back to Crawford, Texas, the locals organized a Welcome Home Bash for the ex-president featuring a Lone Star band that included drummer Josh Garner. During Secret Service background checks, Garner was asked, "What is your affiliation with James McMurtry?" It happened that Garner had played with McMurtry, the Austin-based rocker whom author Stephen King calls "the truest, fiercest songwriter of his generation" and whose searing songs blistered Bush and Bushism. McMurtry took the news in stride, celebrating the fact

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that he was "on the radar" and releasing a brilliant live album and a DVD featuring the sharpest of his Bush-battering tunes, "We Can't Make It Here."

MOST VALUABLE MULTIMEDIA ACTIVISM: Rethink Afghanistan

No intervention with regard to the expanding war in Afghanistan did more to raise public awareness and opposition than the Rethink Afghanistan project of Robert Greenwald's Brave New Foundation. Greenwald, Jim Miller, Martha de Hoyos and their compatriots dispatched crews to Afghanistan, interviewed returning soldiers, tracked down retired CIA and Defense Department analysts and forged an ironclad case for bringing the troops home. President Obama did not listen, but nearly a million Americans viewed Rethink Afghanistan videos on the Internet, saw the movie in theaters or attended house parties and meetings where it was shown. Along with "A Tale of Two Quagmires," the revelatory comparison of the US escalation in Vietnam with the escalation in Afghanistan on *Bill Moyers Journal*, the Rethink Afghanistan project changed minds, stiffened spines and renewed the movement for a sane foreign policy.

MOST VALUABLE NONFICTION BOOK: Rebecca Solnit's *A Paradise Built in Hell: The Extraordinary Communities That Arise in Disaster*

"The history of disaster shows we are social animals who want to connect," argues Rebecca Solnit in the most radical book of 2009. What makes *A Paradise Built in Hell* so radical is Solnit's refusal to accept the official narrative about Hurricane Katrina and disasters going back to the San Francisco earthquake of 1906. Instead of buying into "common myths" that say our response to natural and human disaster is to become either "helpless or bestial," the greatest public philosopher of this age argues not just convincingly but movingly that "when the superstructure of society crumbles" human beings are "freed to act on, most often, not the worst but the best within." There is balm for romantic anarchists in this historically rich survey of how, for the most part, human beings respond to calamities with "more beauty than brutality." But there is also a practical lesson for policy-makers: instead of fretting about looters, encouraging vigilantes and imposing curfews that make it a crime for neighbors to save neighbors, the response to disasters should be to empower and enhance that "civic temperament" that leads people to behave altruistically and creatively. This is a transformational principle with applications far beyond New Orleans and the other disaster zones about which Solnit writes with such authority, such vision and, above all, such insight into the better angels of our nature.

MOST VALUABLE FICTION BOOK: Victor LaValle's *Big Machine*

If you think America needs to have more serious and nuanced debates about race, religion and class, then a compelling point to begin it is with this remarkable story of a recovering junkie who, after receiving a mysterious note and a one-way bus pass to Vermont, asks himself: "What kind of black man accepts an unsigned invitation to the whitest state there is?" But relocate Ricky Rice does, to the state's Northeast Kingdom, where he joins a group of "Unlikely Scholars" in a funny, terrifying and ultimately redemptive exploration of America's most unresolved mysteries. If Thomas Paine and Stephen King had collaborated across time on a novel, they might well have produced this book. As it is, LaValle acknowledges both as inspirations, along with "my man Ambrose Bierce." ■

Stacked Deck Against Homeowners

Legal remedies are not strong enough to save defrauded citizens from losing their homes.

by ALEX ULAM

Homeowners facing foreclosure who have been the victims of fraud have little hope of obtaining justice or financial restitution. That was the message of Lionel Ouellette, executive director of the New York City–based advocacy group Changer. He was speaking to a grim-faced group of about thirty Hispanic and African-American homeowners at a community center in the Brooklyn neighborhood of East New York last winter.

Nobody at the meeting had the resources to hire a lawyer for complex legal cases, said Ouellette, a 35-year-old former schoolteacher who became a housing counselor after falling victim to a scam that involved predatory loans and concealed damage in a house he purchased in 2001.

Ouellette pointed out that even if you are fortunate enough to find a legal services attorney to take your case for free, you will most likely spend years in litigation against a major bank that has the resources to hire top law firms. No, legal action is generally not an option, he counseled, pacing back and forth in front of a blackboard. It's best to get on with your life—try to work out a loan modification with the bank or negotiate a short sale that will allow you to cut your losses and get out of a rotten deal.

"We are very honest with people about what their options are," Ouellette said in a recent interview. "This is your chance of getting a modification, and this is what the possibilities are of somebody litigating your case—and 99 percent of the time, no one is going to be able to litigate it."

The abysmal situation that Ouellette described last winter should improve somewhat as a result of a 2010 appropriations bill the Senate passed on December 13. Legislators increased funding for the federally chartered Legal Services Corporation from its 2009 level of $390 million to $420 million and, more

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important, removed a restriction on LSC lawyers that had barred them from seeking attorneys' fees when they win cases. Now that this prohibition has been repealed, LSC lawyers should be able to greatly expand their efforts to represent distressed homeowners. In so doing, they undoubtedly will call greater attention to a major aspect of the foreclosure crisis, which has not received enough attention in policy debates.

Certainly many homeowners knowingly took out loans they could not afford, and others either committed fraud or were complicit in fraudulent schemes. However, vast numbers facing foreclosure were victims of complex predatory lending scams and deceptive sales practices that violate a number of federal and state laws. Mortgage brokers frequently forged borrowers' loan documents without their knowledge and inveigled them into taking out loans they could not afford and should not have been eligible for. Another common scam involved banks, sellers and appraisers conspiring to inflate the appraisal of a house so that a buyer could be conned into buying it for much more than it was worth. And in some cases, mortgage brokers who did not clearly explain to borrowers the terms of "high cost" mortgages (loans padded with fees above an established threshold) were violating the federal Truth in Lending Act.

Many victims have legal claims that entitle them to receive damages from lenders, which could include attorneys' fees, court costs and having a mortgage voided. Other victims have legal defenses under existing anti–predatory lending laws, which could be used as leverage to obtain an affordable loan modification. Even when foreclosure cannot be averted, raising claims under existing laws could buy time to enable homeowners to find another place to live.

Unfortunately, the legal remedies under existing anti–predatory lending laws are often not strong enough to save defrauded homeowners from losing their homes. In many cases the amount of money that homeowners owe on their mortgage outweighs whatever damages they may be entitled to. In others, the statutes of limitations may have run out by the time the violation is detected.

According to a recent report from the Brennan Center for Justice at New York University Law School, "Foreclosures: A Crisis in Legal Representation," the crisis is exacerbating an already existing crisis in legal representation that is disproportionately hitting the poor. Low-income people ought to be able to find help through the Legal Services Corporation, which has 137 federally funded programs and 918 offices spread throughout the country. The LSC's mission is to serve the growing number of Americans who live below 125 percent of the poverty line (an income of $27,563 for a family of four). Currently, approximately 54 million people fall into that bracket.

But the increasing number of low-income homeowners seeking help is swamping the LSC, which has been plagued by severe funding shortages since 1996, when, seeking to fulfill the agenda of Newt Gingrich's Contract With America, Congress slashed almost a third of the corporation's budget and imposed restrictions that severely curtailed its operations. A year later LSC was serving 1 million fewer people.

Under the restrictions dating from the Gingrich-era assault—which, with the exception of the recently overturned ban on collecting statutory attorneys' fees, have been reapproved in every subsequent appropriations cycle of Congress—LSC lawyers are prohibited from engaging in many basic legal activities that are open to all other lawyers, such as lobbying for legislative changes before government officials and filing class-action lawsuits. There is even a poison pill that prohibits LSC offices

KAREN CALDICOTT

receiving federal funds from using money they raise elsewhere to engage in any of the prohibited activities or services [see Peter Edelman, "…And a Law for Poor People," August 3/10, 2009].

Currently the LSC is able to serve less than half of the low-income people who contact its member programs seeking help. Of those it is able to help, most get only general legal advice, not full representation. And for the handful of predatory lending cases an LSC attorney is able to litigate at any one time, "winning" generally means years in court followed by a sealed out-of-court settlement, which simply becomes a cost of doing business for major financial institutions.

"Of the number of clients we intake, we are probably able to accept a third of them. Not all of the ones we reject have strong legal claims, but most of the loans we see are subprime loans with abusive terms," says Meghan Faux, co-director of the Foreclosure Prevention Project at South Brooklyn Legal Services. "There are a lot of homeowners we cannot represent who have valid claims against their originating lender."

This past summer Faux won a sealed out-of-court settlement for a homeowner facing foreclosure after a major lawsuit that lasted nearly four years and included charges against Credit Suisse for aiding and abetting a fraudulent scheme. She says her office has won other settlements against large banks on behalf of individual homeowners. However, the LSC restrictions, especially the ones on class-action suits and attorneys' fees, have hampered the ability of her office to win widespread relief for victims of predatory lending and mortgage-servicing abuses. "Without the threat of having to pay our attorneys' fees,

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there is not a lot of incentive for the defendants to settle early or really settle, because their liability isn't increasing," she said in an interview conducted before the restriction on attorneys' fees was overturned.

A legal services lawyer can generally provide full representation to about half a dozen homeowners a year and general legal advice to about ten times that number, says Michael Hickey, executive director of the Center for New York City Neighborhoods, a nonprofit founded by the City of New York and various local organizations to coordinate efforts dealing with the foreclosure crisis. "Full legal representation for everybody going through a foreclosure is almost impossible to provide," he says. "Taking on a case means being on it for a year and a half to two years. They are extremely demanding, very expensive and the outcomes are limited because you are fighting for one homeowner. So instead, our strategy is oriented much more toward providing advice and counsel, particularly to people who are representing themselves in court."

Although the foreclosure crisis is engulfing a sizable portion of the middle class, much of the illegal predatory lending activity has been concentrated in low-income communities, especially those of color. After decades of being denied credit, minority communities were flooded with credit on unfair terms in a well-documented practice known as reverse redlining. "Low- and moderate-income African-Americans were more than twice as likely to receive subprime loans as whites," according to a study cited in the Brennan Center report, which goes on to note that "subprime borrowers of color will lose between $72 billion and $93 billion in equity as a result of home loans made during the past eight years."

Removing Gingrich-era restrictions would provide Legal Services lawyers with better tools to combat predatory lenders.

"In the subprime market, entire communities were targeted," says Melanca Clark, counsel in the Justice Program at the Brennan Center and co-author of the center's report, noting that the LSC restrictions have widened a justice gap that is having a profound effect on society. "The very fact that you are stripping tools from lawyers who could possibly defend [low-income communities of color] in those circumstances is devastating. It doesn't just hurt those people; it has obviously hurt our economy and also the nature of our justice system."

One might think distressed homeowners would be able to get help from the pro bono practices of large law firms, which have played a significant role in combating so many other injustices, ranging from civil rights abuses to the denial of habeas corpus at Guantánamo. Big firms that do business with banks and other lenders are particularly well equipped to help out distressed homeowners, because they employ lawyers with the financial services expertise that is necessary to handle a foreclosure case. But those firms have generally been reluctant to take on foreclosure-related pro bono work out of fear of jeopardizing existing and potential business relationships with the financial institutions. Over the past year the American Bar Association and the Federal Reserve Bank of New York have attempted to resolve these conflicts of interest; now financial institutions can issue special waivers that allow pro bono lawyers to help homeowners with foreclosure counseling and loan modifications.

However, thus far the waiver system has been an absolute failure in New York City, says Lynn Armentrout, director of the Lawyers' Foreclosure Intervention Network, a program of the City Bar Justice Center, which matches pro bono lawyers with people facing foreclosure. "We don't have any big-firm lawyers doing the work, precisely because of the conflicts issue," says Armentrout. "The Fed has negotiated with the large financial institutions to waive conflicts of interest, but even though many large financial institutions did that, it hasn't persuaded or allowed the big firms to get involved."

On the legislative front the news is mixed. The removal of the LSC attorneys' fees restrictions will certainly enable these nonprofit lawyers to help many more low-income Americans climb out of the legal black holes in which they have been living. However, the bill passed on December 13 leaves in place other Gingrich-era restrictions, which both the Obama administration and LSC advocates have been trying to overturn.

Advocates say that removing the other critical Gingrich-era restrictions would help an even greater number of homeowners and also provide Legal Services lawyers with better tools to combat predatory lenders, especially in cases where civil damages for individual violations are limited. "It is useful that lawyers representing homeowners, when lenders have violated consumer protection laws, will now be able to assert claims for fees," says Rebekah Diller, a deputy director of the Brennan Center's justice program. "An even greater deterrent would have been the ability to bring class-action lawsuits against predatory lending. So it's progress, but it's not as much progress as we hoped to achieve."

LSC advocates are placing their hopes on a bill introduced last year by Representative Bobby Scott and thirteen other members of Congress to reauthorize the LSC, which Congress has not done since 1977. That bill, the Civil Access to Justice Act of 2009, would increase federal funding to $750 million and remove most of the restrictions that date from the Contract With America, such as the ones on class-action lawsuits and on Legal Services lawyers lobbying for legislative and regulatory changes.

Many people desperately need legal help. The foreclosure listing service RealtyTrac tallied 3.6 million foreclosure starts from January through November 2009, and the Center for Responsible Lending projects 9 million foreclosure starts over the next four years. Under the current state of affairs, millions of Americans—many of them the victims of fraud—may unnecessarily lose their homes because they cannot get access to a lawyer. Reauthorization of the Legal Services Corporation is long overdue. ■

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The Files' Tale: Redbaited by the FBI

How *The Nation*'s special issue on the bureau brought down the wrath of J. Edgar Hoover.

by RICHARD LINGEMAN

More than half a century after *The Nation* published an expanded special issue highly critical of the FBI, we have obtained a 180-page internal FBI monograph, dated April 1959, that is entirely devoted to a refutation of it. The title—"The Smear Campaign Against the FBI: The Nation, October 18, 1958"—reveals the thesis of the monograph (obtained from the valuable website GovernmentAttic.com), which was that *The Nation*'s FBI issue was part of a communist plot to discredit the bureau.

KAREN CALDICOTT

That was a frequent charge by red hunters in those McCarthyite times. Actually, the FBI's enmity toward *The Nation* went much further back. The magazine's FBI file, obtained in 1984, weighed in at a whopping 2,000 pages and covered the years 1922–82. For the racy details see the article on the file by Penn Kimball, a Columbia University professor of journalism, in the March 22, 1986, issue of *The Nation*. Kimball sums up his impressions as follows:

> The claim that the Bureau simply transmits the data collected by its field agents without evaluation is exploded by the evidence in its own files. The gossip, hearsay and guilt by association was passed along to favored members of Congress, alumni in other executive agencies and select members of the press. The F.B.I. launched special field investigations of Nation contributors, pressured teachers who used the magazine in their classes and cooperated with government agencies seeking to discredit opponents of their policies—all in the name of Americanism.

In his memoirs, *Maverick: Fifty Years of Investigative Reporting*, Fred Cook, a veteran newspaperman, prolific contributor to the magazine and author of the 1958 article on the FBI, recounts his personal experience of the bureau's retribution. After it appeared, he became the object of an FBI investigation, his friends and neighbors were interrogated by agents, his mail was tampered with. The *Nation* file contains an angry memo by director J. Edgar Hoover suggesting that he may have taken Cook's piece personally:

> 1. I can't understand with all our alleged contacts and informants we had had no inkling of Cook's article in the Nation.
>
> 2. I think we should discreetly get a line on this man and his background and associations for current article just didn't "bloom"—it is planned literary garbage barrage against FBI by a dedicated Hiss apologist. H.

The author thanks Nation *intern Nat Herz for research assistance.*

The "smear" monograph, which was not in *The Nation*'s FBI file, seems intended to be a massive smack down of Cook's article. At great length and sometimes pedantic detail (which must have occupied an expensive chunk of agents' time), the anonymous authors dismantle practically every sentence in Cook's piece. The result is an internal memo running to some 64,000 words.

At the outset, the authors charge that the *Nation* article was part of a larger anti-FBI smear campaign designed to advance the Soviet Union's objectives. These are said to be (1) to discredit the FBI as guardian of the nation's internal security, and (2) "to force the Bureau's actual withdrawal from the internal security field," thus giving the Soviets a free hand to subvert America.

The authors frequently resort to guilt by association. Thus, Cook's article "encompassed completely the views which communists have projected for years about the so-called illegal activities of the FBI." *The Nation* "has always been a staunch defender of civil liberties," we are told, and that was not meant as a compliment. Even more damning, "a number of individuals who have been employed…by The Nation in editorial or writing capacities have been identified with the communist movement."

One section of the monograph is devoted to parallel columns of quotations from Cook and statements by Communist Party sources demonstrating that the article "shows a close parallel between his views and the official line of the Communist Party, USA, on a number of issues." Here is an example snatched at random:

> Cook: "Hoover hardly ever fails to get all the money he asks for from Congress…."
>
> American Communists: "[the F.B.I.] always gets [the appropriation] it asks for, and each year more than the previous one." (Source: Political Affairs, "the Party's monthly theoretical publication") [Since the authors express no opinion as to the truth or falsity of this particular claim, we should point out that annual FBI budgets were routinely fully subscribed by a worshipful Congress.]

Cook's alleged libels on the FBI include "allegations that: the FBI conducts illegal investigations of political views; uses Gestapo-type tactics such as, secret informants, wire-tapping, and illegal searches, seizures, and arrests; compiles secret files; unduly publicizes itself, cloaking itself in a 'myth of infallibility'; and dictates to Congress and the courts." All daring charges back then, but confirmed history today.

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The FBI sleuths did ferret out some factual errors in Cook's story, none fatal. In his defense, it should be said that Cook was one of the first journalists who attempted to breach the FBI's wall of secrecy. He was also working without the contemporary reporter's most powerful tool—the Freedom of Information Act. And he did not have access to the inside information and historical records that the FBI authors had.

But if Cook made minor mistakes, the monograph evades or ignores his spot-on criticisms of FBI tactics that violated defendants' constitutional rights. In particular, three early cold war espionage cases discussed by Cook in his article, when viewed in historical perspective, demonstrate the truth of his allegations that FBI investigative methods interfered with convictions, trampled on defendants' rights and contributed to the communist spy panic in the late 1940s, which in turn led to government loyalty programs and the rise of McCarthyism.

Cook's *Nation* article raised important questions about the FBI's covert operations in the national security arena. Doing this took considerable courage at a time when Hoover was untouchable by Congress and presidents alike. Moreover, it was very brave of editor Carey McWilliams to publish it at a time when the magazine was financially stressed and under fire from McCarthyites and cold war liberals alike.

FBI research monographs belong to a well-known genre. They were frequently prepared by staff to draw together all the information in the bureau's files on a single subject. Thus there are memos dating from the 1940s through the 1970s on topics like "Soviet Intelligence Targets in the United States," "Stool Pigeon or Loyal Citizen," "Unusual Investigative Techniques" and "The Struggle Against Lawlessness."

The monographs exude the aura of investigative inquiries designed to produce the truth on a specific topic or issue, but in some cases they were tailored to fit the views and prejudices of an audience of one: J. Edgar Hoover. This can be seen in a 1963 monograph about communist "influence" on the civil rights movement, obtained via FOIA by American RadioWorks. The initial version of the lengthy study concluded (accurately), "Despite every type of propaganda boomed at our Nation's Negro citizens, they have never succumbed to the party's saccharine promises of a Communist utopia." Hoover, who considered the entire civil rights movement a subversive plot, scrawled an acerbic objection. He simply could not believe that Martin Luther King Jr. operated free of red tentacles. So his men went back to the drawing board. William Sullivan, head of the FBI's domestic intelligence division, produced a new study that concluded King was "the most dangerous Negro of the future in this Nation from the standpoint of communism." Sullivan later admitted to Congressional investigators that those who presented findings contrary to Hoover's prejudices could find themselves transferred or fired. ■

Letters

(continued from page 2)

BERKELEY, CALIF.

David Cole refers to the right's view of Eric Holder's decision: "It was an act of war carried out by enemy combatants," "war crimes," "prosecuting the enemy." These phrases show the mindset of the right—what George Lakoff calls the framing—a mindset they have succeeded in transferring to the public to justify the wars. Cole himself states that the 9/11 attacks were an act of war—thus accepting their definition—then makes the significant point that the perpetrators were criminals, not warriors.

Look at how the British dealt with their 9/11: the attacks on the trains and buses in London. They did not go to "war." Scotland Yard treated these events as crimes and used skilled detectives to find, try and convict the jihadists. Total cost to British taxpayers? Certainly not in the billions.

Imagine if we had had a thoughtful president on 9/11. He would have ordered the FBI, working with Interpol, to find those responsible and extradite and try them in a civilian court. We'd have the billions wasted in Middle Eastern quagmires to apply to our current problems. And we'd have more than 5,000 of our military still with us.

PAT CODY

Cole Replies

WASHINGTON, D.C.

While I would be the last person to condone our government's treatment of Khalid Shaikh Mohammed, I don't think that mistreatment means that we have "forfeited our right" to hold him accountable for his alleged (and admitted) role in planning the 9/11 attacks. We have certainly forfeited our right to use statements against him obtained from him under coercion, as well as any information obtained by those illegally obtained statements. But our law does not recognize the right not to be tried at all simply because the government has engaged in wrongdoing. One must be tried fairly, and the government must not be permitted any use of information obtained through coercive means. But if it can convict him without recourse to tainted evidence, he can—and should—be held accountable.

The remedy for US wrongdoing is not to let KSM off the hook—or to shift the venue to the International Criminal Court. The remedy is accountability for our own wrongs through any of a variety of mechanisms, including an independent commission, bar disciplinary proceedings, criminal prosecutions or a Congressional apology. To insist that the only form of accountability is to forfeit the right to hold alleged 9/11 terrorists accountable is to doom the project of accountability from the outset.

Pat Cody is correct that nations attacked by terrorists may choose to respond exclusively through the criminal justice system. But when an attack rises to the level of the one we experienced on 9/11, and is committed by a group that has declared war on the United States, a military response is also an option—as evidenced by the fact that both the UN and NATO treated the attack as allowing for the right of self-defense, and that more than 100 nations initially backed our military response when the Taliban refused to turn over Osama bin Laden. It is the way the Bush administration carried out that conflict—refusing to be bound by the laws of war, proclaiming a general "war on terror" and invading Iraq—that was the problem, not the choice of a military response.

DAVID COLE

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Books & the Arts.

Misterioso

by DAVID YAFFE

"You know people have tried to put me off as being crazy," said Thelonious Sphere Monk. "Sometimes it's to your advantage for people to think you're crazy." He ought to have known. Monk was one of only a few jazz musicians to appear on the cover of *Time* magazine (others include Louis Armstrong, Dave Brubeck, Duke Ellington and Wynton Marsalis) and was celebrated as a genius by everyone who mattered. Bud Powell, John Coltrane and Sonny Rollins could not have imagined (or transmuted) the language of jazz without him. Yet the pianist was also constantly underpaid and underappreciated, rejected as too weird on his way up and dismissed as old hat once he made his improbable climb. Performer and composer, eccentric and original, Monk was shrouded in mystery throughout his life. Not an especially loquacious artist (at least with journalists), he left most of his expression in his inimitable work, as stunning and unique as anyone's in jazz—second only to Duke Ellington's and perched alongside Charles Mingus's.

He did leave a paper trail, though, and Robin D.G. Kelley's exhaustive, necessary and, as of now, definitive *Thelonious Monk: The Life and Times of an American Original* offers a Baedeker of sorts. Jazz may be filled with fascinating characters, but it has inspired relatively few exemplary full-length biographies. (Among the exceptions are David Hajdu's *Lush Life: A Biography of Billy Strayhorn*; John Chilton's *Sidney Bechet: The Wizard of Jazz*; Linda Kuehl's unfinished *With Billie*, assembled by Julia Blackburn after Kuehl's death; and John Szwed's *So What: The Life of Miles Davis*.) Kelley is, in many ways, a rarity. While many music journalists write amateur history, Kelley is an eminent historian at the University of Southern California. Rarer still, though his earlier books (including *Race Rebels* and *Yo' Mama's DisFunktional!*) examine race from a neo-Marxist perspective, his thinking took an apparent turn during the fourteen years he spent on the Monk project. While discussions of race and racism are recurrent—how could they not be in a biography of a mentally ill black genius in the middle of the twentieth century?—Kelley shows admirable restraint by never addressing politics beyond their appropriate role or treating Monk's life as a political fable. Monk, a black man from humble origins, succeeded at becoming a bourgeois artist with a wealthy, devoted patron, and he is never criticized for it. Unlike Max Roach, Charles Mingus, Nina Simone and many others, Monk did not enlist in the struggles for freedom or power. Music and daily life proved to be difficult enough.

Kelley has created a lush portrait of the private, off-camera Monk, one it would have been difficult to paint without the unprecedented access he had to the Monk family, including Nellie, Monk's widow, who provided substantial information before her death in 2002, and their son, Toot (otherwise known as TS), who opened up the archives once trust had been established. Kelley shows us the man who, when he wasn't getting work in the early 1950s, played Mr. Mom. He shows us the musician who, when he wasn't at home, needed some sort of neighborhood watch to make sure he didn't drift in the wrong direction. It took a village. He had a family who tolerated his eccentricities and never pressured him to take a day job. Mingus had to work at the post office when freelance work was hard to come by; no matter how lean things got,

DOUG QUACKENBUSH/COURTESY OLGA QUACKENBUSH

Thelonious Monk at the 30th Street Studios for a Columbia recording session, 1964

Thelonious Monk
The Life and Times of an American Original.
By Robin D.G. Kelley.
Free Press. 588 pp. $30.

David Yaffe is a professor of English at Syracuse University and the author of Fascinating Rhythm: Reading Jazz in American Writing *(Princeton).*

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Monk was able to work at the eighty-eight keys in his living room.

Born in North Carolina in 1917 and raised in the predominantly African-American San Juan Hill neighborhood on what is now Manhattan's Upper West Side, Monk went from obscurity to notoriety to seclusion—from glorious, hard-fought music to inscrutable silence. At times he boomeranged from Bellevue to the Village Vanguard to Rikers Island to the 30th Street Studios of Columbia Records and back again. But one thing was for sure: in a certain scene, among a certain set, in boho corners of the 1950s, crazy was that year's model. "Crazy, man!" was the rallying cry of the Beats, paroglasses indoors. During bass or tenor solos, he would either leave the stage altogether or dance with himself. He favored a kind of arrhythmic twirl, which he would usually complement with a counterintuitive hat; he seemed like someone giving himself the spins. Occasionally he would add a knee kick, which would make the gyrations seem intentional, or at least syncopated. Often he would just seem like the man who wasn't there, a real gone guy. But once the bass solo was over, he'd return in a rush to the piano, often with a cigarette in his mouth, and, in his most inspired moments, create a cascade of sounds so ornate and gorgeous that it was described, by *New Yorker* jazz critic Whitney Balliett, as a "vinegary, dissonant, gothic" tone.

That description has aged better than most; Balliett was the most metaphorical of American jazz critics. For most Monk watchers, though, the man—crazy, gifted and black—was, above all, a metaphor. Forget about his detractors. Kelley shows with damning precision that some of Monk's most fervid advocates went down the most benighted of infantilizing or primitivist paths. Lewis Lapham, in a sympathetic 1964 profile in the *Saturday Evening Post*, wrote that as an "emotional and intuitive man, possessing a child's vision of the world, Monk talks, sleeps, eats, laughs, walks or dances as the spirit moves him." Monk may have seemed that way to strangers, especially when he posed sitting in a child's red wagon for an album cover photo, but to truly do Monk justice one must, as Kelley has done, reconcile his eccentricities with an appreciation of the deep, original thinking present in the music. Besides, testimony from Monk's family, at least in his less gone years, presents a different portrait of an affectionate father and husband—when he wasn't disappearing on drug runs. And while he often spoke to interviewers in laconic grunts, musicians say he sometimes talked shop with them for hours. He was complicated, flawed and progressively ill—a more nuanced figure than the flimsy characterization of the way-out jazz cat could possibly convey.

Bop, contrary to *Straight, No Chaser* and Ken Burns's *Jazz*, was not one big happy family.

died by Norman Mailer, who nevertheless believed, as a Bellevue alum himself, the hype about hip. Robert Lowell and Sylvia Plath did stints in McLean Hospital; Allen Ginsberg, who saw the best minds of his generation starving, hysterical, naked, possessed a Bellevue pedigree; and John Berryman proclaimed himself a demented priest. Sanity was supposedly for squares.

Yet for all its colloquial power, crazy (or even "Crazy, man!") is not in the DSM-IV. We have not a shopworn adjective but a clinical diagnosis for what ailed Monk. He suffered, as Kelley explains, from bipolar disorder, although his illness was misdiagnosed and mistreated throughout the latter part of his career. Like other black jazz musicians (Lester Young, Charlie Parker, Bud Powell, Charles Mingus), Monk was more likely to be called schizophrenic, or just plain nuts, than were blue bloods like Cal Lowell. Monk took "vitamin shots" from a "Doctor Feelgood" who dosed his patients with amphetamines. Kelley ventures that Monk, who alluded to his enigmatic psyche in songs like "Nutty" and "Misterioso," eventually stopped playing entirely a few years after he began taking lithium in 1972; after his final concert at Carnegie Hall (and an impromptu Fourth of July performance at Bradley's) in 1976, he hardly played or spoke until his death in 1982.

In his performing heyday—from the late 1940s to the early '70s—Monk could be brilliant and antisocial at the same time, reinventing jazz composition while wearing dark

There is a much-quoted line in Charlotte Zwerin's 1988 documentary *Straight, No Chaser* in which Monk is told that he is in an encyclopedia alongside popes and presidents, and is therefore famous. As he absorbs this information he is patently aware that he is being filmed. His response? "I'm famous. Ain't that a bitch?"

It was indeed often a bitch to be Thelonious Monk. Because of a law that was eventually struck down by New York City Mayor John Lindsay in 1967, Monk repeatedly lost his "cabaret card." The card was a prized possession because it permitted musicians to play in establishments serving alcohol, and any cardholder who was arrested had to forfeit the golden ticket. Monk lost his repeatedly, once when he was arrested while sitting in a car with his dear friend Bud Powell, who was, according to Kelley, the one carrying heroin, but each was too loyal to the other to snitch; and once because he had the temerity, as a Negro in Jim Crow America, to demand service at a hotel in Delaware. (Monk took many police beatings for that one.) This was no way to treat a genius; it was no way to treat a human being.

Monk also felt undervalued and, of course, underpaid. The standard biography, the one the narrator delivers at the beginning of *Straight, No Chaser*, is that Monk attended Juilliard and helped invent bebop with Charlie Parker and Dizzy Gillespie. The truth, as elucidated by Kelley, is messier. Monk never attended Juilliard; he attended New York's illustrious Stuyvesant High School but never graduated. He was not holding the piano chair at Minton's Playhouse in Harlem when bebop was being hatched, and he later fought a losing battle with Gillespie for bop ownership rights. Bop, contrary to *Straight, No Chaser* and Ken Burns's *Jazz*, was not one big happy family. Monk was the house pianist at Minton's in 1941, a few years before Parker and Gillespie created a musical revolution, and his legendary band there included the barometrically influential guitarist Charlie Christian and the drummer Kenny "Klook" Clarke. When Monk wasn't in the process of sculpting his own sound (and vital harmonic breakthroughs for bebop), he was sometimes falling asleep at the bandstand or gone altogether.

Yet even after he was let go by Minton's, at the end of 1941, he was always welcome to return, and Powell or whoever else was occupying the bench would step aside. (Powell was a former acolyte of Monk's, equally brilliant, equally original and equally mentally ill, yet another Bellevue grad.) Minton's jam sessions became dominated by marquee names like Gillespie and Parker. Even though Monk would sometimes sit in with the band, and even though they would routinely trade choruses on gestating Monk classics like "'Round Midnight," his contributions to the festivities often went uncred-

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ited. Gillespie, a consummate showman and trickster, was cannily making a name for himself. Monk had no gig, no label, nothing sacred but the integrity of his mind. After Lorraine Lion (now Gordon) dubbed him the High Priest of Bebop to publicize his 1947 debut, *Genius of Modern Music*, the tag would be flung back at him with withering irony by those who were not yet convinced. And when Monk played in Gillespie's band in 1946, he missed rehearsals, showed up late for gigs and eventually was fired. Monk and Gillespie would reunite on the 1971–2 Giants of Jazz tour, and by then everything seemed copacetic; the revolution was a matter of history, and it was paying decent dividends to the two titans by then.

Monk could be a maximalist, playing cascading whole tone runs behind his soloists.

The battle over bop's ownership rights obscures something crucial: the music Monk was writing by the mid-1940s was certifiably weirder than standard bebop. He disliked playing fast, although his fiercest partisans claimed he could play like Art Tatum if he wanted to—just as Picasso could, if he wanted to, paint like a realist. (There is only anecdotal evidence for this claim about Monk, and he doesn't really need it.) In the midst of his angular melodies and deft use of space, Monk's cascades were whole tone flourishes, like a ragged stepchild to Tatum's ornate runs. He got his first record deal with Alfred Lion on the fledgling Blue Note label, and the album delivered on its title, although its anemic sales showed that the genius of modern music didn't always enjoy company. The album—bristling and raw, like its sound quality—showcases Monk standards before they sounded inevitable, or indeed even comprehensible for those just getting used to bebop's breakneck pace. Monk jumped on chestnuts like "Nice Work If You Can Get It" and "April in Paris" and pounded them with his inimitable descending cadences, translating everything he touched into a rough but not quite ready Monkian patois. By the time a companion album appeared in 1952, Monk had recorded most of what would become his songbook. After warming up the listener with a couple of recognizably bebop tunes—up-tempo, with eighth-note melodic lines—and bop-inflected standards, he plays as if he's leaning into the instrument with his whole body, making those eighty-eight keys into percussion instruments. His fingers are splayed, their attack as distinctive and inimitable as anyone's in jazz; within a few bars, he is instantly recognizable to any serious jazz listener.

How, between his Minton's apprenticeship in 1941 and his recording debut in 1947, did Monk become Monk? The pianist on those Minton's dates—who can be heard, murkily, on *The Early Thelonious Monk*—sounds in the neighborhood of Teddy Wilson's swing and James Johnson's stride. In between, he got fired from two illustrious piano spots, avoided military service and recorded some sides with Coleman Hawkins, the most notable swing-era star who could play with the beboppers he so vividly influenced. Monk joined Hawkins's band in 1944 and cut a few 78s with him. While Monk received no royalties for the sessions, they paid off in other ways. The format of the 78 limited each track to around three minutes, and none of Monk's tunes were used. Nevertheless, he made the most of his time. "His economical solos are full of Monkisms: whole-tone scales, dissonant clusters, and quotes from his own compositions," Kelley observes, with the attuned ear of a writer who also plays the piano, which is all but an anomaly in the world of jazz writing for the popular press. As early as 1944, these recordings, available on *Thelonious Monk: The Complete Prestige Recordings*, reveal Monk's attack, nuances and references as the motifs of "an American original."

Whether Monk was playing the music of Hawkins, Gershwin or Ellington, he acted like he owned it. When, on *Genius of Modern Music*, he introduced the world to "Thelonious" (a deceptively simple melodic statement), "Ruby, My Dear" (a beautiful tribute to an early flame), "Well, You Needn't," "Monk's Mood," "'Round Midnight" and—an *hommage* to his former protégé—"In Walked Bud," based on the chords of Irving Berlin's "Blue Skies," most of the world was not ready. Parker and Gillespie were testing listeners with jazz you weren't supposed to dance to. Monk was offering music even less user-friendly: weird, rough flourishes and runs that sounded ingeniously rhythmic to his exegetes and harsh to his detractors. It's true that, unlike the so-called right-handed pianists of bop, Monk stuck with old-time stride; James Johnson, Teddy Wilson and Art Tatum especially never left his vocabulary. No one hit those keys with such inimitable muscle. But in 1947 it didn't yet sound like mass entertainment. Monk called one of his final compositions "Ugly Beauty." It would be a decade until the world came around. He was in a holding pen, a period his wife, Nellie, called the "'un' years."

When Monk got his cabaret card back in 1957 after spending a few years without it, jazz had already swung from bop to postbop. Charlie Parker had died in 1955, his 34-year-old body ravaged by heroin and booze, and the bold trumpeter Clifford Brown, all of 25 years old, had perished in a car crash the following year. There was room for new gods. John Coltrane had been kicked out of Miles Davis's band for being a junkie, and while he was cleaning up—and kicking the booze he was imbibing to stave off withdrawal symptoms—he joined Monk's band for a six-month engagement. Coltrane would often practice the entire day in search of the perfect sound, replacing his addiction to heroin with devotion to the wood shed, and then he would get on the bandstand with Monk and continue the quest, using all of Monk's harmonic twists and turns to improvise a dense and lovely spiritual. Monk's quartet—alongside Coltrane was Ahmed Abdul-Malik on bass and Shadow Wilson on drums—found a home at the Five Spot, a club located on the Bowery years before there was a gentrified neighborhood called the East Village. The Five Spot held poetry readings on Mondays, when Monk was off.

By the time the Five Spot gig ended, Coltrane had returned to Davis's band and would soon be too big to be a sideman, and Monk had strode out of obscurity forever. Many remember the six-month residency as a turning point when Coltrane became a legend. Sonny Rollins, whose star rose before Coltrane's, also remembered Monk as an incomparable teacher. Each of them attempted to play beyond the boundaries of what their instruments were made to do. They tried to re-create Monk's musical sense on an instrument that could only play one note at a time. Nevertheless, they honked where Monk banged, countering his cascades and circuitous phrases with their own runs, with their own personalities, in their own complementary vocabulary. They played with such speed, dexterity and obsession that each set a bar for the tenor saxophone that has still not been superseded half a century later. The grunting seer with the beret at the keys lit the match.

Once Monk saw success, he stopped composing, with the exception of *Underground* (1968), his final album for Columbia,

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which contained four new tunes, each of them as witty and idiosyncratic as ever. His illness also started manifesting itself unevenly through silence. There were times in clubs when Monk wasn't just laying out—he was zoning out, staring into space, catatonic; weeks later, he could be his old self again. But silence was also part of Monk's aesthetic, even if, compared with the minimalism of Miles Davis (whom he was instructed not to play behind on a famous and gorgeous 1954 recording of "The Man I Love"), he was more of a maximalist, playing meandering lines and cascading whole tone runs behind his soloists and then often playing rococo countermelodies when he soloed. During much of the '60s Monk was often accused of repeating the same old tunes, even doing the same old dance. But his mind wasn't veering into autopilot. It was still in overdrive. He wasn't repeating; he was perfecting.

His '60s versions of his late '40s masterpieces sound more polished, but they are still brimming with new ideas, new approaches, new variations—even if, at the summit of free jazz, he just continually instructed his sidemen to do nothing but swing. The term has never been empirically defined, but it has something to do with rhythmic flexibility. For Monk, it also had a dead-center aim, a musical kick in the stomach. "Bright Mississippi," recorded on *Monk's Dream* (1962), reveals Monk in lockstep with the tenor player Charlie Rouse, his near constant musical companion of the 1960s, bashing out quarter notes with what would sound like simplicity if they didn't hit that sweet spot of swing with such force. He even gave swinging orders to bassist Scott LaFaro and drummer Paul Motian when he had them on a pickup date; each of them had a more indirect route to swing in their classic stints with pianist Bill Evans and LaFaro's memorable turn with Ornette Coleman. They were indirect white guys who suddenly had to articulate something—Monk's thing. Both of them must have emerged from their weekend stint like it was boot camp.

You can still hear joy and exuberance on Monk's *The London Collection* (1971), on which he was accompanied by Art Blakey. Monk hardly sounds like he's on his way out, even though it would be his final major recording session, shared, like his first, with Blakey. A few scattered performances (including Paul Jeffrey on tenor and Toot on drums) early in that decade still had, according to those who were there, the same old fire. And suddenly, it was over. Did he just go too far within himself and never return? Did his treatment for bipolar disorder somehow cure him of the music bug as well? Did he have new musical ideas trapped in a recalcitrant body? Kelley suggests the more prosaic possibility that he was suffering from an enlarged prostate.

Monk had already moved into the spacious home of the Baroness Pannonica "Nica" de Koenigswarter (Parker's old patron) in Weehawken, New Jersey, with a spectacular view of the Manhattan skyline and an even more spectacular number of cats. Monk had become too much for his wife to handle, and Nellie didn't object to his relocating to a mansion across the Hudson. Pannonica inspired a Monk ballad of the same name, but there is no evidence that they were lovers. Nica kept a piano by Monk's room, but Monk almost never touched it. "If his health improved and his manic-depressive cycles were under control," Kelley writes, "why did he stop playing? Having spent the better part of fourteen years tracing Monk's every step, I was not surprised by his decision. In fact, I wondered why he did not retire earlier." Kelley is a judicious biographer, but I find this conclusion difficult to accept. Monk told Sonny Rollins that when all else failed, there was always music. Music was not to be let go, no matter how unsteady things got, and by all accounts in the book, the later performances, except for the final one, were still filled with magic. Maybe with more equilibrium, though, Monk was not inspired to sit down at the piano and feign his most inspired moments—which came, at least in part, from a place of serious illness.

In 2006 a posthumous Pulitzer was bestowed on Monk. Since 1987 the Thelonious Monk Institute of Jazz has given awards to promising musicians with chops far smoother than those of its namesake. Monk the shrine will continue to be polished. Monk the man is only beginning to be understood, and Kelley's book admirably helps us appreciate the pleasures and pathos of an exceedingly heavy head case. But no matter how much Monk is demystified, he will still be weird and there will still be new things to learn just by trying to puzzle him out on the page or at the piano.

Monk liked to wear a formidable ring bearing his name when he played, an encumbrance that no pianist in his right mind would want to burden a hand with. While he was flashing his ring for the world to see, from his own perspective he saw something else. "KNOW" said the ring, more or less, to the audience. "MONK" was the reply when he saw it himself. ■

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BACK TALK

ADRIAN BELLESGUARD

Frederick Wiseman

Since the late 1960s, Frederick Wiseman has been making documentaries about social institutions like mental hospitals, high schools, theater companies and state legislatures. His newest documentary—the thirty-sixth of his career—is *La Danse*, a profile of the Paris Opera Ballet. At 79 years old, Wiseman has no plans to retire. His next project is about a boxing gym. —*Christine Smallwood*

The camera in *La Danse* often lingers on the architecture of the Palais Garnier, where the company rehearses and performs.

I love the building. It's a nineteenth-century building. There are those beautiful small, round rooms under the cupolas where the dancers often rehearse. Even though much of what it does is modern ballet, I wanted to place the company in the context of its tradition, and one way to do that was to show the beauty of the building, and the mysterious aspects of it.

Some of the hallways are very anonymous-looking.

There was no activity in the hallways. The dancers show up and they leave. That is, they work. They show up for class at 10 or 11 in the morning. Some of them may have a quick lunch in the cafeteria, and then they rehearse all afternoon. Those performing at night stop rehearsing at 4:30; those not performing at night can rehearse until 7:30, and then they leave. There wasn't much chitchat.

You didn't shoot the audience.

Well, it's dark, and I wasn't particularly interested in the audience. The only time you see the audience is walking up the steps. As far as I was concerned, that had no place in the film. It would have been an anonymous shot of a large mass of people who you knew were there anyway. The dancers don't mingle with the public. They don't mix and greet, or whatever it's called.

Your films reveal the routines and rhythms of the subject under consideration. Can you talk about what place surprise has in those routines?

The whole thing is based on surprise—surprise to me. I don't know what's going to happen next. That's the Las Vegas aspect of this kind of filmmaking. And that's a great part of the fun. When I go to rehearsal I know it's going to be a rehearsal, but I don't know what the ballet masters are going to say, I don't know what the choreographers are going to say, I don't know what the response of the dancers is going to be, I don't know if it's going to be a beautiful rehearsal or if they're going to make a lot of mistakes. You have to be alert.

Some of the teachers' comments are harsh.

They're tough, but they're not cruel. It's a very precise form. The ballet masters are all former star dancers; they've been formed by the same tradition that the younger dancers have been exposed to: almost everybody has gone to the ballet school in Nanterre, which is run by the company, although a few come from other schools. The ballet masters are passing on to a new generation the tradition which they have learned from the ballet school, which they have perfected as dancers. You know, they're strict. But dance is a *discipline*, and it has analogies to other forms of education that require adherence to rules. The training begins very young: they start at about 8.

I went to the ballet school in Nanterre one day to shoot a sequence I didn't use in the film. As I was walking the corridors between the auditoriums, every time I passed a student, the boys would tip their forelocks and the girls would curtsy. I thought it was both funny and quaint, but it was part of the discipline. It's related to army training, to forms of classical education. And it's a meritocracy. There's no bullshit. Either you got it or you don't got it. And if you don't got it, sorry. If it's not working, too bad. At a very young age the dancers, or the aspiring dancers, learn the discipline. And they expect not to be treated cruelly, because I don't think ballet masters or choreographers get away with that; they expect to be told precisely what to do. It's their job to do it, and it's the ballet masters' job to tell them what to do. At the same time, for the more experienced dancers, the ballet masters are always open to suggestion, as are the choreographers.

I had no idea that a beekeeper worked on the roof of the ballet.

He's a retired stagehand or technician, I've forgotten which, and he was interested in bees. He had noticed there were bees on the roof, so he set up an apiary. The honey is sold in the boutique of the opera. It's called Le Miel de l'Opéra de Paris. It's very expensive—15 euros for a small bottle—and it's very good. I tasted it right off the comb; the apiarist took a big dollop with his finger and gave it to me.

You're a well-known *independent* filmmaker. How much time do you have to spend raising money for projects?

I don't spend a lot of time raising money, because you know pretty quickly whether you're going to get it or not. For a documentary filmmaker in America, you can go to PBS, NEA, NEH, the Ford Foundation, in the past the MacArthur—the MacArthur is in transition; I don't know how much more they're going to do on documentary—and maybe a couple of other foundations. Occasionally I've been able to get money from the BBC and from ARTE France, and that's it.

Is documentary film a healthy art form?

I don't see many films. I'm busy working. I work a lot. And when I'm in the middle of editing I work seven days a week. I like to ski. I read a lot. Now I am reading José Saramago, I'm reading *Tristram Shandy*. I'm appreciating it much more than I did when I read it in college. Back then I didn't realize how funny it was. ■

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End of the Century

by J. GABRIEL BOYLAN

Ripped
How the Wired Generation Revolutionized Music.
By Greg Kot.
Scribner. 262 pp. $25.

Selling Sounds
The Commercial Revolution in American Music.
By David Suisman.
Harvard. 356 pp. $29.95.

Perfecting Sound Forever
An Aural History of Recorded Music.
By Greg Milner.
Faber & Faber. 416 pp. $35.

For $79.99, the Sansa slotRadio can be yours. Around the size of a compact, it's an MP3 player preloaded with 1,000 songs from *Billboard*'s rock, country, hip-hop/r&b and oldies charts. Thematic mixes like "workout" and "chillout" are available too. There's no software to install or discs to rip. Just stuff in your earbuds, press play and listen.

At 8 cents a tune, slotRadio is a bargain compared with what Jammie Thomas-Rasset was ordered to pay for the twenty-four songs she downloaded and shared on Kazaa, a file-sharing network. In 2006 she was sued for copyright infringement by Capitol Records, with legal support from the Recording Industry Association of America; when a federal court handed down a guilty verdict in June, the damages amounted to $1.92 million. That's $80,000 per song, including Gloria Estefan's "Rhythm Is Gonna Get You." Quite.

Ours is a time of fundamental shifts in the way music is made, sold and experienced, and music's value—as art and commodity—has never seemed more arbitrary and harder to assign. Thanks to the upswing in file-sharing and other ways of obtaining music in digital formats, album sales are measly and unreliable in terms of profit margin. Ten years ago Britney Spears's sophomore album *Oops!... I Did It Again* hit No. 1 with a record 1,319,193 units sold in the first week. Last year she hit No. 1 with her comeback album *Circus*, but first-week sales topped out at 505,000 units, nearly twice as much as the No. 1 spot sells most weeks yet nowhere near the debut of *Oops!*. As Charles Blow recently noted in the *New York Times*, a study conducted by PRS for Music, a nonprofit royalty collection agency, "found that of the 13 million songs for sale online [in 2008], 10 million never got a single buyer and 80 percent of all revenue came from about 52,000 songs. That's less than one percent of the songs." For slotRadio, the gold mine isn't the cache of songs on its MP3 player but the tiny device itself, a jumble of cheap wires and microchips that will inevitably need to be replaced. In this case, the music is advertising that draws ears to a piece of disposable technology.

Most of the artists and bands profiled by Greg Kot in *Ripped* earn their keep from touring, which seems to be the most trustworthy source of revenue available to small and even midlevel musicians now that file-sharing has decimated album sales. Kot's profiles range from the most newly minted stars of indie music (Dan Deacon) to the scene's elder statesmen and crossover successes (Radiohead, Nine Inch Nails). The more established bands he discusses are making creative use of the new marketplace—from Paul McCartney partnering with Starbucks to the direct-marketing and distribution models of Prince and, more recently, Radiohead and Trent Reznor. The latter two have embraced, to varying degrees, the practice of offering middling-quality downloads of songs at a low or even pay-what-you-want price and selling high-quality physical copies of albums later at set prices. Because Prince enjoys a massive and loyal fan base, he has been able to sever ties with major labels and corporate promotional networks, selling albums through his website and forging direct, albeit virtual, connections with fans. As for the fans Kot interviewed, many admitted to not paying for most of the music in their possession, with some wrestling with guilt and others proclaiming their defiance of "the man."

The pitch and scale of the tumult recalls the shift that occurred about a century ago when music was recorded for the first time, freed from its real-time shackles and engraved on wax cylinders. Yet over time, with this freedom came corporate control over popular recordings and corporate determination of what would be heard, and how, and on what sort of medium. There were fierce battles over what kind of music was worth recording and whether recording was killing musical "truth." Musicians, producers and fans quarreled over the value of "fidelity" and the exact reproduction of sounds in real time. Was it the zenith of recorded music or a distraction from improving sounds with studio modifications or fabricated new ones? Tape-recording technology simplified and democratized the capturing of sound, while advances in technology allowed for the fashioning of a whole new world of sounds unimaginable in the acoustic days. (In the past few decades, technological innovations have brought changes like pitch-correcting software that can make an *American Idol* reject sound blandly perfect.) But if abandoning the live performance was the big shift a century ago, and the move away from "fidelity" was the big shift fifty years later, the dramatic change of our time is the unmooring of music from the physical realm altogether. Music is now an ephemeral sequence of digitized information beamed about, played for a few seconds and then shuffled away into the ether of code.

Unlike the introduction of the compact disc, which was developed by major labels and music retailers, as well as Phillips and Sony, the current tumult was unplanned and unforeseen. Digital technology has put far more power in the hands of ordinary consumers to wrest music from its gatekeepers. But crashing the gates has caused the music economy to dip down between cheap and free; people are storing more music on their hard drives than they're likely to listen to in the next decade, yet major labels, music retailers and even jukebox manufacturers are spiraling toward obsolescence. Offbeat and invaluable aspects of the mass music experience are slipping away as well, from the cranky exclusivity of the niche record shop to the tastemaking role of college radio to the music press itself.

The conventional, romantic view of the history of popular music is one of pure eras and movements reaching a creative peak before being co-opted, oversold or otherwise spoiled by runaway commercialism. Ragtime enthusiasts, rockabilly fans and punk proselytizers all claim that the early days of their favorite pet sounds were the best, most revolutionary and purest. The only truly lucky genres are those nobody ever liked—at least they were able to fade away honorably. The history of the popular music industry is often told in the same way, from its quirky, tentative beginnings through its benign, if greedy, golden age, when big labels could be handmaiden to terrific music reaching the masses. The cause

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of the industry's demise, the story goes, was avarice: the labels prized dastardly strategies for persuading music fans to part with as much cash as possible. The result, then, is the current mess. The potential chaos of a future where music is unprotected and unsellable (that is, an unviable profit center for labels or artists) might be worrying, but it's a prospect the industry created. Kot, a music critic at the *Chicago Tribune*, is excited about the new ways that bands are selling their music and trying honorably not to fade away. He is pleased that digital technology allows music to live and breathe beyond the grip of the record industry, which he thinks doesn't deserve any sympathy, since its response to the digital revolution has been not bold ideas about marketing or distribution but lots of lawsuits.

With *Selling Sounds*, David Suisman kicks the legs out from the romantic account of the music industry's innocent start and slow move to commercial heartlessness. Suisman investigates the early decades of the popular music industry, from 1880 to 1930, and his descriptions of the upstart crews of scrappy entrepreneurs who hawked sheet music in the old days call to mind the corporate suits at major labels plugging the next Disney-spawned tween star or mall punk band. Put it in a pretty package and the kids will go ape for it. For Suisman popular music has always been heavily commercialized (songs, albums and artists are just more widgets to be peddled), and his book leaves one wondering whether the history of commercial music resembles the aesthetics of the pop song: the pattern has little variation but has proved to be endlessly repeatable, and mostly profitable. How did we get here? In some ways we've always been here.

SHANNON STAPLETON/REUTERS

A man advertises the going-out-of-business sale at the Virgin Megastore in New York City's Union Square, June 2009.

Suisman begins his narrative with the birth of the popular song at the tail end of the minstrel era and then explains how the advent of Tin Pan Alley, that hive of songwriting and music publishing, allowed for the possibility of a truly popular—that is, portable—song. Dozens of companies hired songwriters to bash out potential hits, while printers, distributors and a fierce national marketing network moved copies of the sheet music from coast to coast. As would happen with radio and happens now with the Internet, jobbers fanned across the country, slipping song scores and money to bandleaders to boost songs. Meanwhile guerrilla marketing existed in the form of "pluggers," who, as Suisman explains, made "every gathering, from a football game to a prom, a potential commercial audience, and every space, from a commuter train to a prison, a potential site of commercial performance." Pluggers were charged with getting tunes into the hands of working bands, vaudeville theaters, community events, schools, department stores (which built elaborate and vast performance spaces and organs to draw their own customers, and provided counters selling the selfsame sheet music) and anyplace else where the grooves could turn infectious.

When music became reproducible and more portable, first with player pianos and later with cylinders and discs, the industry was no less calculating, carefully inventing brands, stars and new ways of enticing customers. The Victor company exploited the runaway fame of its top artist, Enrico Caruso, and touted the exclusivity, sophistication and value of its "Red Seal" line of recordings, which though of no higher quality than most discs, were pricier. The Red Seal records, Suisman explains, "consecrated a single and singular musical performance," transmitting that esteem to the consumer, though truly it was "an illusion of uniqueness based on mass-produced intimacy." Victor and the other companies manufactured need as much as they did albums. One industry magazine claimed, "Children are everywhere, and how they do talk!" and went on to suggest cultivating future consumers by selling them on the magic of the phonograph. Music was sent to troops fighting in World War I and played in factories to improve morale.

The Copyright Act of 1909 ensured the protection of profits for music publishers and, Suisman notes, defined music as "product, not process," by enshrining its commercial imperative. Suisman traces the act's impact with two divergent case studies: one is a consideration of changes in the landscape of popular entertainments like movie theaters, which snapped up phonographs and laid off thousands of musicians; the other, an account of the black-owned record label Black Swan. Suisman claims that the great artist and the profit motive are not separate, and the career of Irving Berlin epitomizes their union. An enormously respected artist, Berlin thought the most important of his nine rules for writing a hit song was the following: "The song writer must look upon his work as a *business*." Berlin was instrumental in the formation of ASCAP, an organization that still ensures and enshrines the moneymaking power of songwriters. As a high-level figure in the group, he was further responsible for helping along royalties legislation for recordings and the radio.

Suisman portrays Black Swan as an alternative commercial enterprise trying to compete with the established players in the label game. Founded by Harry Pace (a former protégé of W.E.B. Du Bois), and catering to African-American audiences, the label thrived for a time despite its tendency to promote classical works over blues and jazz. The choice of classical works was part of Black Swan's mandate to encourage black uplift and white tolerance through its vision of music and cultural refinement. (This ethos would later draw the ire of LeRoi Jones in *Blues People*.) The label relied on standard marketing ploys, from the establishment of a brand associated with quality to eye-catching ads, while also advocating a specific racial

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politics. Unable to withstand the initial surge of radio's popularity, Black Swan died a casualty of commerce. Suisman's portrait of Black Swan's history is an effective riposte to those who accused the label of selling out: the label succeeded, for a time, as a business that cared about more than business.

Whereas Suisman's materialist study of the record industry's beginnings focuses on market creation and slights artistic fruition, Greg Milner is on the side of the sensible audiophile, someone who cares most about what's lost in the way most people experience music today. In *Perfecting Sound Forever*, an exhaustive history of recorded sound, Milner is honest enough to admit that the "warm" sound of LPs that vinyl maniacs crave is not some Platonic quality but the product of the way sound is processed by the apparatus—the amp, turntable and speakers. Yet no amount of "warmth" can combat the more insidious developments of our age of Pro Tools and MP3s. Music now flows through various channels in digital form, often never hitting tape of any kind; scrunched into a tiny file containing a fraction of its original sonic information, it passes through tiny cubicle speakers or tinier earbuds blaring at dangerous volumes. Compression might indeed be killing pop music by flattening it out, lopping off its highs while boosting its lows to yield songs boiling over at a fever pitch every moment. Certain pop albums become so loud and distorted that choruses are at the same sonic level as verses, creating a feeling of unending blast and total boredom. Compression has certainly left serious listeners in a crummy cul-de-sac of insufficient quality and decreased dynamism.

For Milner, a longtime music journalist, the history of recorded sound is the story of the tension between verisimilitude and manipulation, authenticity and convenience. He begins with an investigation of Thomas Edison's famed "tone tests," produced to convince listeners that the sound of his phonograph was as genuine as the human voice. In auditoriums throughout the United States, Edison presented singers performing alongside his audio devices. Audiences had to play a guessing game—Is it live, or is it phonograph?—and were nearly always fooled into amazement. An operatic singer would launch into an aria, and suddenly the lights would be cut; when they came back on, the aria was still being belted out but by the phonograph.

The tests were hardly scientific. Most listeners, especially in more far-flung locales, had heard few phonograph recordings, and like the apocryphal crowds who panicked on seeing early silent films of approaching trains, they were dazzled enough by the new medium to suspend any disbelief about its verisimilitude. And the tests were flat-out rigged by Edison, who instructed vocalists to lower the volume and modulate the sound of their voices to match the output of the phonographs. But Edison's obsession with the quality of recordings proved to be his undoing as discs gained mass appeal. Though he had the upper hand in terms of audio quality, he could not compete with Victor, which focused mainly on branding and selling the quality and image of its artists (like the much-ballyhooed Caruso) rather than its products. The myths proved to be more alluring than sonic spectacle.

Throughout the century, tone tests (utilizing more or less spectacle and premeditated sleight of hand) would be staged to herald every new development in audio technology: microphones, tape, multi-track recording, digital recording, CDs and on into the present day's toys (think of a turtlenecked Steve Jobs presenting this year's latest magic to salivating geeks). Milner's account of his own private tone test conducted in a Canadian audio research center sounds like something out of *The X-Files*. Milner was asked to spot the differences between CD recordings and songs archived in lossless codecs, compressed data files that are said to match CD files to the human ear despite containing less audio information. The ear fills in the gaps—or at least that's the idea the tests aim to prove. Milner thought he could detect the difference immediately, but as he sat alone in the soundproof room he felt perplexed and befuddled. In keeping with the mysterious nature of the project, his lab coat–wearing hosts wouldn't divulge whether his final estimations were correct. In the end it didn't matter, since as Milner argues, the very idea of "fidelity," though a prime motivator for audio development, has always been slippery, its history one of fabrication, of deformed and reformed and unreal noises coming out of our stereos.

One of the most colorful innovators of unreal music profiled by Milner is Leopold Stokowski. The famed maestro became a household name thanks to his many popular recordings, his outsize personality and distinctive long hair. He conducted the score of *Fantasia* and appeared in the film, a project that yielded, among other joys, Surround Sound, which Stokowski produced by training thirty-three microphones on his orchestra. Yet while his propensity to engage in popular entertainments (albeit classically focused) earned him a somewhat déclassé reputation among symphony buffs, the energetic Stokowski was instrumental in developing the art of music amplification. Working with Bell Labs in the 1930s and '40s on experimental loudspeaker setups and the uses of multichannel broadcast technology for live and recorded performances, he helped to fashion sound that was louder, bigger and more brazen than any live experience ever could be. In his collaborations with Bell he also succeeded in selling the amplified and fabricated experience as a live experience. The famed "Carnegie Hall Blowout" of 1940 was a sort of updated tone test where multichanneled sound knocked over the audience with presence and terrific loudness, all without a live orchestra: the music had been pre-recorded. (Stokowski wasn't at Carnegie Hall either, but the lesson was that the performance could enthrall devoid of the performer.) The Blowout's sound approximated the loudness of 2,000 musicians, but it was also malleable; octaves and orchestra sections could be cut and solos amplified without any loss of clarity. Stokowski managed to turn recording and amplification into a form of sound entertainment divorced from music, to transform music into aural spectacle that could arouse excitement through volume, force and feeling.

Can popular music survive without mass platforms or mass acceptance?

From the amped-up stages of New York City, Milner travels to the lonesome stretches of Southern roads traversed by John Lomax and later his son Alan. Both men taped many of the greatest performers of American vernacular and folk music, from Lead Belly to Woody Guthrie to Muddy Waters, and Milner contends that even the Lomaxes' largely unfettered, "pure" field recordings fundamentally altered the music, largely as a result of their sociological and anthropological predilections. Alan Lomax toured alongside Lead Belly, discouraging the singer from playing some of his favorite tunes, which Lomax thought were too countrified to count as "authentic." Eventually the Lomaxes blamed themselves and recording technology in general for helping to erode and efface the traditions they were so keen to

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preserve. In his later years Lead Belly sought fame on his own; with the help of tape he was able to record as he wished, and it is on those recordings more than any of the ones produced by others, Milner says, that "the sound explodes out of the speakers."

Milner suggests that as tape became the standard (and far more flexible) recording medium in the '50s, part of its "promise was that 'real time' no longer mattered." Indeed, the continued unmooring of recorded sound from the limitations of live performance is greatly enhanced by tape's ability to yield layered, edited and otherwise worked recordings, from Les Paul's "sound on sound" techniques (in which he stacked multiple tracks for spacey, powerful effects) to the Beatles' experiments with multi-tracking and finally to the baroque and bloated analog recordings of the 1980s. Milner singles out Def Leppard for defying the laws of realism in recording by utilizing complex recording techniques and expansive editing and tinkering to turn the sound of a rock band into a studio-minted confection. The developments that yielded Def Leppard's wildly popular excesses ("*Hysteria*'s explosive drums…suggest a vast space, but not one found on Earth") are alternately thrilling (Stereo! Feedback! Rock 'n' roll!) and dismal. Milner goes on to survey the last gasps of analog sensibility and the oncoming rush of the digital age, from the perfection of the CD, foisted upon the market in a premature form that many still decry as fundamentally inferior to analog sound, to the various unrealities (and potentially antimusical elements) of such latter-day toys as Auto-Tune, compression and clipping. A final chapter on sampling offers some glimmers of hope, at least for those creating new music and exploring new sounds, but in the end Milner decides that the obsession with perfecting sound was the root cause of the worst excesses. Yet he concedes that while MP3s and compressed files exist largely for convenience, not quality, great recorded sounds are still accessible.

A century of innovation, ingenuity and rampant greed drove the popular music industry to amazing heights, and also formed the circumstances for its own destruction. Past as prologue is nothing new, but Kot, Suisman and Milner contextualize developments in music production, sales and consumption in ways that can teach us about the seismic shifts defining the current world of pop and how it's being bought and sold (or ripped, as the case may be). While out-of-touch major labels continue to decline, seemingly unable to adapt, niche labels and online distributors are emerging, armed with aesthetic sense and marketing acumen. Black Swan couldn't compete with emergent corporate labels in its day, but boutique cultural venues (real and virtual) and artists interested in connecting directly with fans now have an opportunity to seize on the failure of mass marketing. And this may be one case where corporate giants can't simply co-opt or buy out their small-fry competitors.

While a boon to consumers, this shift defies at least a half-century of popular music culture, pop chart logic and platinum sales standards. How can popular music survive without a mass market, mass platforms or mass acceptance? Perhaps more to the point, how can it thrive without the drive of massive profits? Sheet music, radio, 45s, LPs, MTV: all these delivery formats have faded over time, and the platform that dominates now, the Internet, does so through its own decenteredness and, troublingly, through the common perception that everything it can deliver ought to be free. Once pop stars were groomed and coddled to greatness, and pop charts reflected the tastes of something like an informed, democratic music audience. Such institutions had their advantages and drawbacks, to be sure, but what sort of pop universe will exist when they've vanished? Will the pop song outlast the vast apparatus that created it, and can it remain a vital cultural touchstone when former temples of pop music like the vast, recently vacated Virgin Megastores are being converted into Nordstroms? Perhaps a return to the live experience—concert receipts have risen as record sales continue to slide—is the inevitable result of the radical unmooring of the experience of music from reality, verisimilitude and objecthood, a way of embracing the humanity behind music's transformative power. Maybe so, but when the music stops and the lights go up, you're back in a new century and floating free with more sounds than ever. ■

Untitled

We all die alone however we can,
as for me I'll coil in a volcano's
swooning crater
or dilute myself
in the path's refrains
And if my heart stays
till trail's end
I don't see why my blood
can't join the flood
beneath this ark, snatching
from the deluge of my human pasts,
from the face each agony showed me,
the cross or port's beacon
we sailed from
(we sought a belly in common
to save us from the mass grave!)

Make it so blood swamps me
—better blood than brushfire!

Everywhere the doe flash
fire already in their eyes;
these deer, they have the knack of dying lewd.

TCHICAYA U TAM'SI

(Translated from the French by Peter Thompson)

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How Soon Was Now?

by BARRY SCHWABSKY

"Why can't I see them now?" is the daughter's question that's said to have inspired Edwin Land to devise the instant camera eventually produced by his Polaroid Corporation. The camera was announced in 1947 and hit the market in 1948. Sixty years later the company stopped production of its film-based cameras and then of its self-developing film. The last Polaroid film expired on October 9. Today someone's grandmother might be wondering, "Why can't I see them anymore?"

The answer, of course, is that digital photography killed the Polaroid, as it is killing much chemically based photography. The immediate gratification, the narcissistic fix offered by the picture that rolls out of the camera and develops right before your eyes, has been granted in a new way by the digital camera. You don't even need to print out the image—just immediately check it out onscreen. Most of these pictures will never be printed—will never really, in any meaningful way, exist as photographs. They will be gazed at and giggled over for a few moments, and then they will quietly subsist as code until the memory where they sleep is lost or fails. Quite simply, digital technology redefined Polaroid's "now," turning it into something even more like "now" than Polaroid had been able to offer. Or maybe it changed the meaning of "now," or replaced it with something more like "already."

FOUND MAGAZINE

A Polaroid submitted to *Found Magazine* in 2006. The photograph was discovered in a cholla cactus by Nate Morehouse in Tempe, Arizona.

Polaroid's "now" having been driven into the past, it has become ripe for nostalgia. *Found Magazine*, launched in 2001, was well ahead of the Polaroid nostalgia wave and spun off a whole book of *Found Polaroids* in 2006, when the end of the road was already in sight. But for its author, Jason Bitner, the medium had always been "instant nostalgia—framed and faded, a picture that already looked decades old."

It's true. The romance of Polaroid is about more than a photographic process becoming obsolete. It's also evoked by something embedded in the very medium—a material quality that's distinct from other types of photographs. I was reminded of this by a couple of exhibitions recently mounted in London to commemorate the passing of the Polaroid: "Shake It: An Instant History of the Polaroid" at the Pump House Gallery, a public space supported by the Borough of Wandsworth; and "Polaroid: Exp.09.10.09," on view through January 16 at Atlas Gallery, a specialist photography dealer.

There's some significance in the surprisingly large number of artists whose work appeared in these quite different shows: Nobuyoshi Araki, Walker Evans, André Ker-

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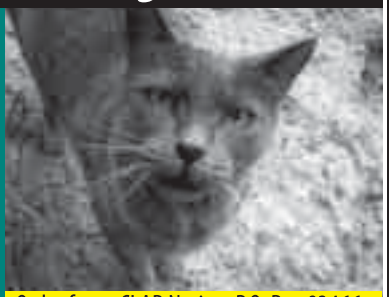
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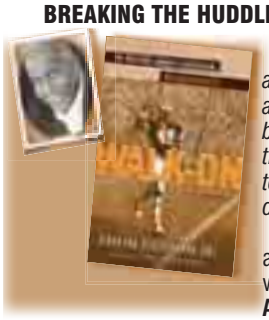
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tész, Robert Mapplethorpe, Lucas Samaras and Andy Warhol. I suppose we must take these as acknowledged masters of the instant image—but allow me to quietly dissent on Mapplethorpe. They make a curious group, ranging from classic photographers who late in life found renewed inspiration in a new technique—in the case of Kertész, it's been said that it changed him "from a broken man into a youthful artist"—to artists whose roots were in painting and sculpture and were delighted to find a photographic mode that encouraged them to forget the hallowed and irrelevant purism of the fine gelatin-silver print in favor of something they could handle with spontaneity, even derision. Polaroid work is hardly acknowledged by authoritative general histories of photography. It was precisely the fact that instant photography was an inartistic vernacular that made it attractive to certain practitioners, just as the fact that Polaroids are unique prints, not multiples, may be helping to retroactively make them more interesting to an art economy that thrives on the perception of uniqueness.

That's not to say other professionals entirely ignored it. They just never considered it an appropriate medium for an exhibitable or publishable final product. But tryouts were a different story, and one of the pleasures of the show at Atlas was that it included a number of them, such as what must have been a final test for one of Helmut Newton's most famous images, *Sylvia in My Studio* (1981). I've never had a taste for the German fashion and glamour photographer's brand of cold and stylized eroticism, yet the instant print put this composition in a different light—warmer and almost empathetic. A true Newton fan would probably dismiss it for just that reason, but for me it allowed his brilliant composition to emerge without the distraction of his creepy class and gender politics.

"Shake It" put artists' and photographers' interpretations of the Polaroid's potential in a broader context by including examples of its myriad uses: recording anthropological data; location scouting by the filmmaker Wim Wenders; casting sessions for a modeling agency; a prop in a magician's stage act (he claims to conjure up images of things his audience members imagine); and, of course, a forensic device favored by police, who have been quick to see the utility of all forms of photography from the beginning. It is interesting to learn that Polaroid had a separate business unit devoted to law enforcement photography. And everyday amateur uses for fun and sentiment were represented through selections from the *Found Magazine* archives.

Even more than with other forms, I suspect, instant photography's erotic and autoerotic potential was a great part of its success. (This is, of course, something else it has in common with the digital photography that's replaced it.) For amateurs, needing neither to be acquainted with the darkroom nor to put one's kinks in the hands of commercial developing houses was an obvious boon. But even for serious practitioners, Polaroids seemed to possess a special aura of privacy that allowed them to record their fantasies with sometimes shocking directness, as in Araki's bondage photos. Still, to make this aspect of the medium really clear, I wish that either of the two exhibitions had included something by my two favorite Polaroidists: the Italian architect-designer Carlo Mollino, who created his images of local streetwalkers in the early 1960s in an apartment he never lived in and seems to have been designed solely as a backdrop to his photographic fantasies; and Mark Morrisroe, "Boston's first punk," as Nan Goldin once called him, the drag queen and onetime hustler who obsessively recorded himself and the gay underworld in the 1980s. Each made something transcendent out of his perversity, something that would become manifest to others only after his death.

Beyond the pragmatic advantages that I've mentioned, what made Polaroid photography ideal for such extravagantly intimate artistic visions were its specific material qualities, which, especially in color, were quite unlike those of any other photographs. No other kinds of photographs are quite so tactile in their appeal: there is something strangely fleshy about their surfaces. The colors tend to lack contrast, but as a result, those colors often seem to caress the surfaces they describe, to slowly, smoothly flow across them with a kind of alert tenderness. The very colors seem imbued with sensuality.

No wonder Polaroid's aficionados lament its passing. But perhaps the mourning is premature. In October 2008 a group calling itself The Impossible Project leased a former Polaroid film factory in Enschede, Holland, and hired former Polaroid engineers and chemists in an endeavor to recommence production of the film for existing Polaroid cameras. They hope to have it on the market by the middle of 2010. "Now" still may be part of our future—and present—after all. ■

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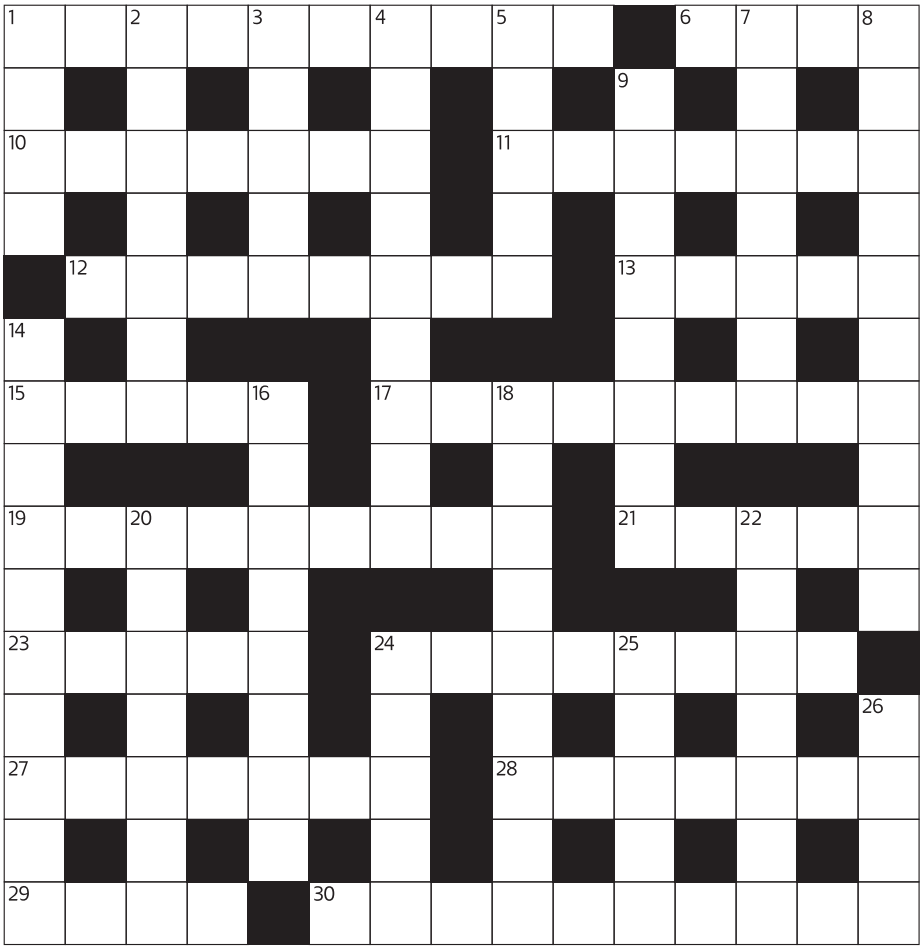

ACROSS

1 Announcement of an evening celebration? (10)

6 Came to the top. (4)

10 The highwayman is guided by it. (7)

11 The piece doesn't seem well done. (7)

12 Wordsworth did, nebulously. (8)

13 Jewish general, or just a funny fellow. (5)

15 Perhaps a King whose line would be easy to trace. (5)

17 Appellation for a Henry who was 15. (9)

19 Such things have nothing to do with the case. (9)

21 Rushes back with a little old violin. (5)

23 Change later for this. (5)

24 I lecture for those who tend to their knitting. (8)

27 Stadia put on such performances. (4-3)

28 This needle's too big for a 24. (7)

29 Sounds like double work for the tailor, and mediocre, at that! (2-2)

30 Lunch-time for the merchant? (6,4)

DOWN

1 How it looks when wary. (4)

2 Work hard for this. (7)

3 One who 12, returns with a friend. (5)

4 Candidates pass in art. (9)

5 When an animal is, he either feels or tastes better. (5)

7 Secretaries in governmental service. (7)

8 When private, it's your own business. (10)

9 Are grand when not! (8)

14 The cost of brick-work doesn't imply the lodgers are. (10)

16 Doesn't tell the truth on returning to the first of 10. (8)

18 These imply someone's calling. (9)

20 Needle-workers in rags. (7)

22 He lost his head? Capital! (7)

24 Such delivery is free. (5)

25 One believes in it. (5)

26 An over-pass? (4)

This was Frank W. Lewis's twenty-seventh puzzle for *The Nation*. It appeared in the April 24, 1948, issue.

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W	A	T	C	H	O	N	T	H	E	R	H	I	N	E
A		O		A		K		A		M		T		D
R	O	B	E	R	T	A		R	A	I	L	I	N	G
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Can Female Hair Loss Be Reversed?

The ONLY hair loss therapy designed exclusively for a woman's biochemistry offers new hope for those suffering in silence.

If you are a woman suffering from hair loss or thinning hair, you are not alone. According to the American Academy of Dermatology, more than **30 million** American women are coping with the daily nightmare of hair loss.

That means 30 million women are facing the same stress, worry and embarrassment every time they look in the mirror or comb their hair. And these women are searching for a better way to regain a healthy head of hair and the self-confidence that comes along with it.

Clinically Proven Treatment

Today, every woman suffering from hair loss has new hope for re-growing hair and reclaiming their confidence. Finally, the researchers behind the ***International Hair Institute*** have created **Keranique**, a system containing the only clinically approved ingredient that will not only REVERSE hair loss in women and re-grow hair but will make your hair look and feel amazing

Keranique is Unique..and For Women ONLY

The Keranique system is a simple yet revolutionary technology formulated especially for women who want to restore their hair with richer, fuller volume and texture while working to end the misery of ever increasing hair loss. Keranique's proprietary system is designed to help women who are concerned about hair loss, thinning hair and loss of texture and body. Keranique is the results of years of research by International Hair Institute and is specifically designed to work exclusively with the biochemistry of women.

Hair Loss is Not Created Equal

For years, the discussion of women's hair loss has been taboo. While the market for products dealing with men's hair loss has exploded, women struggling with their own hair loss issues were forced to suffer alone, hiding under wigs, scarves and hats...or worse.

But the number of women suffering has become so large that even the medical community is finally acknowledging this issue and as they are seeing women with hair loss at earlier and earlier ages. The problem can no longer be ignored. That is why the ***International Hair Institute*** was created. While balding in men is accepted as almost a genetic predisposition coupled with age, in women, the leading causes of hair loss are varied. This epidemic is so vast it has been reported that 50% of all women over 50 are dealing with some form of hair loss or thinning hair!

In clinical trials, women experienced 2.7 times the hair growth using the FDA-approved ingredient in Keranique

Visibly restores fullness, texture and body

Many women have tried popular hair loss treatments designed for men which contain 5% minoxidil. But such a high percentage concentration can cause serious side effects and is NOT recommended for use by women by the FDA. Keranique system is designed to work with a women's natural body chemistry to help restore the scalp, build back the richness and fullness in hair, while reversing hair loss and re-growing hair. Women all over the U.S. who have tried Kernanique love the way it leaves their hair silky smooth and the amazing results.

What Our Customers Have To Say About Keranique…

"I truly love this product. My husband, who notices nothing, keeps telling me my hair looks thicker. And I can tell my roots are getting stronger!"

Results not typical

— Jodi, MO

Try KERANIQUE RISK FREE for 30 days!

The chemists from the International Hair Institute are so confident in the success of the **Keranique** system, they're offering a **30 day Risk FREE** trial… because seeing is believing! Keranique is made in small batches by a specialty lab and includes the only FDA ingredient approved for women who want to stop hair loss now and start re-growing hair.

But supplies are limited so you must call today. To get your risk free trial of Keranique, for just a small shipping and processing fee call 888-402-2810. Your call is confidential and our operators are authorized to allow only one Keranique system per household.

If you want to end the embarrassment of hair loss and help restore the richness and fullness to your hair you owe it to yourself to try the Keranique system, perhaps the greatest breakthrough in hair rejuvenation technology ever.

Call 888-402-2810 Today to Get Your FREE TRIAL of Keranique!

KERANIQUE

Mention Promotional Code KQ100020 to find out how to get the Keranique Follicle Boosting Serum FREE

LEADING CAUSES OF FEMALE HAIR LOSS

Simulated photography

Age: 50% of women experience hair loss by 50.

Hormones: Imbalances may shrink hair follicles.

Genetics: Family history may cause hair loss.

Stress: Can lead to hormonal imbalances.

Scalp: Poor care can accelerate hair loss.

Diet: Lack of protein, iron can impede growth.

These statements have not been evaluated by the FDA. This product is not intended to treat, diagnose, cure, mitigate or prevent any disease. Consult with your doctor before starting any medication. Customer responsible for return postage.

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"As the master craftsman who opened the famous Lincoln Pocket Watch at the Smithsonian, I recently reviewed the the Stauer Meisterzeit *timepiece. The assembly and the precision of the mechanical movement ranks with the best."*

—George Thomas
Towson Watch Company

We Can Only Find One

A rare chance to claim a unique piece of watchmaking history for under $100!

Eighty-six years ago, a watchmaker in Paris famous for building the magnificent clocks at Versailles created a legendary timepiece. He invented the first watch with an automatic mechanical drive. These innovative movements required no batteries and never needed to be manually wound. Only seven of these ultra-rare watches were ever made and we've studied the one surviving masterpiece in a watch history museum. Inspired by history, classic design and technology, our Stauer ***Meisterzeit II*** has been painstakingly handcrafted to meet the demanding standards of vintage watch collectors.

Why the new "antique" is better than the original. The original timepiece was truly innovative, but, as we studied it closely, we realized that we could engineer ours with a much higher level of precision. The 27-ruby-jewel movement utilizes an automatic self-winding mechanism inspired by a patent from 1923, but built on $31 million in state-of-the-art Swiss-made machinery. With an exhibition back, you can see into the heart of the engineering and view the rotor spin—it's powered by the movement of your body.

This limited edition Stauer ***Meisterzeit II*** allows you to wear a watch far more exclusive than most new "upscale" models. Here is your chance to claim a piece of watchmaking history in a rare design that is priced to wear everyday.

Elegant and accurate. This refined beauty has a fastidious side. Each movement and engine-turned rotor is tested for 15 days and then certified before it leaves the factory.

The best part is that with our special price, you can wear a superb classic historical reproduction watch and laugh all the way to the bank. Stauer specializes in classic timeless watches and jewelry that are made for the millionaires who want to keep their millions. This watch will quickly move to heirloom status in your household.

View the precision movement of the *Meisterzeit* through the rear exhibition port.

Try it for 30 days and if you are not thrilled with the beauty and construction of the ***Meisterzeit II***, simply return it for a refund of the purchase price.

Only 4,999 available. Since it takes about 6 months to build each watch, the release is a limited edition, so please be sure to order yours soon.

WATCH SPECS:
- 18K Gold-clad case and bezel
- Precision 27-jeweled movement
- Interior dials display day and month
- Croc-embossed leather strap
- Fits 6 3/4"–8 1/4" wrist

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